By Mr. HOLLAND: Joint resolution (H. J. Res. 237) authorizing the establishment of a "free port," or "foreign-trade zone," at Norfolk, Va.; to the Committee on Ways and Means.

By Mr. HASTINGS: Joint resolution (H. J. Res. 238) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 10110) for the relief of Shelby Medical College, of Nashville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 10111) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 10112) granting an increase of pension to Clara M. Z. Moore; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 10113) granting an increase of pension to James Dushane; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10114) granting a pension to Philip White; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10115) for the relief of Harvey R. Butcher; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 10116) granting an increase of pension to Samuel McAdams; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10117) for the relief of Mrs. John Hanlon; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 10118) granting an increase of pension to George B. Yocum; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10119) granting an increase of pension to Margaret Osborn; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10120) granting an increase of pension to Joseph R. McKeever; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10121) granting a pension to Georgianna J. King; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10122) granting an increase of pension to Albert D. Clark; to the Committee on Pensions.

By Mr. LAYTON: A bill (H. R. 10123) granting a pension to Harry F. Hastings; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 10124) for the relief of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10125) granting an increase of pension to William Wheatley; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 10126) granting an increase of pension to Emily Anderdonk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10127) for the relief of Alvah Clement; to the Committee on Military Affairs.

By Mr. RAMSEY: A bill (H. R. 10128) granting a pension to Lillian S. Dodds; to the Committee on Invalid Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 10129) for the relief of Hans Peter Guttormsen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Editorial Association, indorsing the principle of zone postage on newspapers and urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of First Presbyterian Church of Mansfield, Ohio, protesting against the treatment of the Koreans by the Japanese; to the Committee on Foreign Affairs.

By Mr. FOCHT: Papers to accompany H. R. 9680, granting an increase of pension to Joseph R. Montgomery; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of Boston Council, No. 68, Knights of Columbus, of Boston, Mass., protesting against the ruling of the War Department that on and after November 1, 1919, the various war-work agencies must cease their work on behalf of our soldiers and sailors, and that such work is to be undertaken by the military authorities; to the Committee on Military Affairs.

By Mr. KEARNS: Petition of the Gilbert Grocery Co., of Portsmouth, Ohio, relating to House bill 5123; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Resolutions adopted by the Placer Chapter of the Native Daughters of the Golden West, of Lincoln, Calif., urging the prohibition of immigration from the oriental countries and submitting a set of propositions to bring about this desired result; to the Committee on Immigration and Naturalization.

Also, letter from Hascalls, of San Jose, Calif., requesting that the tax on candy, ice cream, and soft drinks be repealed; to the Committee on Ways and Means.

Also, letter from the Normandy Sea Food Co., of San Diego, Calif., indorsing H. R. 8422, recording of mortgages on vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWAN: Petition of Thomas P. Cummings, of New York, favoring the passage of House bills 6577 and 6659; to the Committee on Ways and Means.

Also, petition of J. F. Hemenway, of Irvington, N. J., favoring the passage of House bills 5011, 5012, and 7010, relating to patents; to the Committee on Patents.

Also, petition of Foster-Milburn Co., of New York, protesting against the passage of House bill 5123; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of United States Customs Inspectors, of New York, favoring the passage of House bill 6577; to the Committee on Ways and Means.

Also, petition of J. P O'Connor, secretary Michael Davitt Branch, Friends of Irish Freedom, of New York, N. Y., requesting the Congress of the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

Also, petition of R. W. White, chief yeoman, United States Navy, favoring legislation increasing petty officers' pay; to the Committee on Naval Affairs.

Also, petition of George T. Taylor, of New York, favoring the passage of House bills 4987 and 6688; to the Committee on Military Affairs.

Also, petition of Sara L. Rhodes, of New York, favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of the National Editorial Association, urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

Also, petition of Bernhard Ulmann Co. (Inc.), of New York, favoring the passage of House bill 8078; to the Committee on Ways and Means.

By Mr. SINCLAIR: Resolution of mass meeting of railway employees of all crafts at Mandan, N. Dak., unanimously indorsing the Plumb plan for railroad ownership and control and condemning the Cummins bill and like measures as tending to drive liberty-loving Americans to desperation by reducing them to slavery; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local System Federation, of Mandan, N. Dak., protesting against proposed bills to make slaves of railroad employees and declaring the Plumb plan the only solution to the railroad problem; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *October 23, 1919*

(Legislative day of Wednesday, October 22, 1919).

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Johnson, Calif.	Moses	Robinson
Capper	Kendrick	New	Sheppard
Colt	Keyes	Newberry	Sherman
Curtis	Kirby	Norris	Smoot
Dial	Knox	Nugent	Spencer
Dillingham	Lenroot	Overman	Sutherland
Fletcher	Lodge	Penrose	Thomas
Frelinghuysen	McCumber	Phipps	Walsh, Mont.
Hale	McNary	Poindexter	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. HITCHCOCK, Mr. McLEAN, Mr. MYERS, Mr. POMERENE, Mr. SMITH of Georgia, Mr. SMITH of South Caro-

lina, Mr. TOWNSEND, Mr. UNDERWOOD, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. FERNALD entered the Chamber and answered to his name.

Mr. FERNALD. Mr. President, I report the following Senators absent on business of the Senate: The Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. EDGE], the Senator from Ohio [Mr. HARDING], the Senator from Minnesota [Mr. NELSON], the Senator from Louisiana [Mr. RANSDELL], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Washington [Mr. JONES].

Mr. HARRISON, Mr. MCCORMICK, Mr. GERRY, Mr. CULBERSON, Mr. FRELINGHUYSEN, Mr. EDGE, Mr. BORAH, Mr. HENDERSON, Mr. CUMMINS, Mr. ELKINS, Mr. KELLOGG, Mr. LA FOLLETTE, Mr. LENROOT, Mr. WATSON, Mr. HARDING, Mr. WADSWORTH, Mr. SWANSON, Mr. KING, and Mr. REED entered the Chamber and answered to their names.

Mr. LENROOT. I wish to announce the absence on official business of the Senator from Wyoming [Mr. WARREN] and the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. KIRBY. I announce the absence, as members of the Joint Committee on Post Offices and Post Roads, of the Senator from Alabama [Mr. BANKHEAD], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Louisiana [Mr. GAY]. I wish also to announce that the Senator from Oklahoma [Mr. OWEN], the Senator from Florida [Mr. TRAMMELL], the Senator from Arizona [Mr. SMITH] and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. STERLING] is detained from the Senate on account of illness. He has a general pair with the Senator from South Carolina [Mr. SMITH].

Mr. SHEPPARD. The Senator from South Dakota [Mr. JOHNSON] is absent on account of illness in his family. The Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

ARMENIAN MANDATE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the House of Bishops of the Protestant Episcopal Church, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

HOUSE OF BISHOPS,
Detroit, October 18, 1919.

To the PRESIDING OFFICER OF THE UNITED STATES SENATE.

SIR: I have the honor to inform you that the following is a true copy of a resolution adopted by the House of Bishops on October 18, 1919:

"*Resolved*, That the House of Bishops of the Protestant Episcopal Church assembled in the city of Detroit, respectfully urges upon the President and Senate of the United States the acceptance of a mandate for Armenia, if it be offered this country, as an opportunity for unselfish service in the restoration of the peace of the world, and that the members of this house be urged to press upon their Senators the high privilege of this hard and most necessary task."

Very respectfully, yours,

GEORGE F. NELSON, *Secretary.*

ROBERT A. MINOR (S. DOC. NO. 141).

The VICE PRESIDENT. The Chair lays before the Senate a response from the Secretary of War to the Senate resolution with reference to Robert A. Minor, which will be printed in the RECORD.

The communication is as follows:

WAR DEPARTMENT,
Washington, October 22, 1919.

SIR: I have the honor to acknowledge the receipt of a resolution, dated October 10, 1919, by the United States Senate, relative to one Robert A. Minor, referring to a previous resolution, dated July 31, 1919, and stating that the Secretary of War had made no report to the Senate on said resolution dated July 31, 1919.

The records of the War Department show that under date of August 14, 1919, a reply was addressed to Hon. George A. Sanderson, Secretary, United States Senate, Washington, D. C., signed by Gen. Peyton C. March, Acting Secretary of War.

This reply quoted a cablegram from Gen. Pershing, dated August 12, 1919, as follows:

"Robert A. Minor arrested in Paris by French authorities because of request British Intelligence Army of the Rhine. Subsequently turned over by the French to American authorities at Coblenz, who investigated his case with a view to trial by military commission. Minor charged with preparing and attempting to circulate a leaflet among American troops in Germany designated to create dissatisfaction. Released without trial for lack of evidence to substantiate charges. Was never accredited correspondent to the American Expeditionary Forces."

The original of this letter was duly mailed from the office of the Chief of Staff on August 14, 1919.

The circumstances incident to Minor's detention in Coblenz were as follows:

Early in February, 1919, a noncommissioned officer attached to the Intelligence Section (G–2), Advanced General Headquarters, American Expeditionary Forces, was sent from Treves to make an investigation of the activities of the German Spartacist group in Dusseldorf, reported to be planning to spread Bolshevik propaganda among the troops of the army of occupation. Representing himself as an American deserter who wished to do all he could for communism, the officer called at the Spartacist office, No. 39 Immermannstrasse, and after a long conversation with the secretary he was accepted as a comrade, though kept under observation for two days. It was explained to him that the main ideal of the Spartacists, like that of their Russian comrades, the Bolshevists, was to bring about a world revolution and the dictatorship of the proletariat, and he was urged to return to the Army and do propaganda work among the Americans. He attended several meetings, at one of which it was decided that he should go back and carry on the work of distributing among the Americans pamphlets which the Spartacists would send over from Dusseldorf. At one of these meetings he met two representatives, an Englishman and American, who introduced themselves as Philip Price and Robert Minor, respectively. Minor stated that he was a cartoonist by profession, formerly on the staff of the New York Call, and that in 1915 and 1916 he had made himself conspicuous through his writings about Russia and other European countries, and in 1917 participated in a publicity campaign in favor of Thomas Mooney and took part in San Francisco in organizing antidraft demonstrations.

At another meeting Minor and Price stated that they had been working together in Russia, printing an English newspaper for the Bolshevik cause, which they had distributed among the British and American troops by aviators.

At a later meeting in the office of Seidel, a Spartacist leader, Minor volunteered, at the request of Meta Filip, a woman at the head of the propaganda work, to prepare a pamphlet for distribution among American troops, and asked informant the following questions:

"Do the American troops still have to drill, and how many hours a day?" "Are the American troops allowed to associate with the German civilian population?" "Do the American soldiers who are being sent home easily get back their old jobs?"

These questions were answered to the effect that soldiers still had to drill five hours a day; that they were not allowed to associate with German civilian population; and that, according to the press, American soldiers were getting back their old jobs, but were not well paid. Minor wrote down the answers and said that he had enough material for a good pamphlet. At the next meeting he presented a typewritten document dealing with these questions, which was read by informant and then given to Meta Filip, who had it printed. Later informant was given about 6,000 copies for distribution among American troops. This pamphlet was entitled "Why American soldiers are in Europe." Minor warned informant to be very careful, as the American Army might have intelligence men in Dusseldorf.

About the 15th of April Minor went to Paris, and was reported to the British intelligence as being active in connection with French socialists interested in the transportation strike then taking place, notably Loriot. The chief of the intelligence section of the British Army on the Rhine went to Paris, and, after consultation with an officer of the American Commission to Negotiate Peace, requested the French to arrest Minor. He was taken into custody by the French on June 8 and sent directly to Coblenz under French guard.

Minor made to the French police authorities a long statement constituting a sort of general denial, but refused to sign his name to it, except in the presence of a lawyer or a friend who understood French. The statement taken under the "proces verbal" is accordingly signed only by the police commissioner.

Although Minor was arrested by the French at the instigation of the British, he was given into the custody of the commanding general of the Third Army at Coblenz, and it was suggested by the British on June 14 that he might be tried by an American court, as his offense was directed more against the American than the British Army.

On June 11 Minor was identified by the noncommissioned officer who had made confidential investigations of the Spartacists as the American journalist whom he had met in Dusseldorf.

On June 18, 1919, the assistant chief of staff, G–2, Third Army, American Expeditionary Forces, presented all the facts in Minor's case to the judge advocate, Third Army, and to the officer in charge of civilian affairs. The judge advocate was instructed to prepare charges, and a commission was appointed for his trial by order dated June 20.

The charges served upon Robert Minor as violation of the laws of war contain specifications briefly summarized, as follows:

"1. As an American and a private citizen, he engaged in a campaign of propaganda of and for the purpose of weakening the military power and force of the United States Army and the armies of the Allies, and prepared documents with the object of weakening the morale and fighting efficiency of said forces.

"2. At or near Dusseldorf, Germany, in February, 1919, he composed a certain document and caused 60,000 copies thereof, in the form of a handbill, to be printed and turned over to a member of the Army of the United States for distribution among the soldiers of said Army then within the territory of the German Empire."

Minor was given all possible privileges consistent with his safe custody. Newspapers were allowed him and all mail and telegrams were delivered to him. He was also advised that he might see any person with whom he might desire to talk, and no person was allowed to see him against his will.

On June 23 a telegram was received from the chief of staff, general headquarters, American Expeditionary Force, directing that action be suspended pending further orders. Nothing further was done toward bringing the case to trial, except that a copy of the proposed charges was served upon Minor by the judge advocate, Third Army, June 28. In the meantime the judge advocate, American Expeditionary Forces, and an assistant came to Coblenz to make an investigation of the case, under instructions from the commander in chief, American Expeditionary Forces.

On June 28 the judge advocate, American Expeditionary Forces, submitted a report of his investigations in the form of a memorandum for the commander in chief, American Expeditionary Forces. His con-

clusions and recommendations are set forth in the following extracts from the report referred to:

"The case against Minor at present amounts to this: He is charged with as serious an offense as a man can commit, but there is only one witness against him—Siegfried. Every effort is being made by the Third Army authorities and by the British at Cologne to obtain corroborating witnesses. There are three persons in the hands of the British and American authorities who, it is believed, can corroborate, more or less, the testimony of Siegfried as to the activities of Minor at Dusseldorf, though it has been impossible as yet to get them to do so. One of them is among the seven undergoing trial by military commission at Cologne, and efforts will be made to get him to tell what he knows as soon as his trial is finished, which will be this week.

I have interviewed Siegfried, the officers of the G–2, and the judge advocate's department at the headquarters of the Third Army, and have, with Col. Mayes, visited the military commission sitting at Cologne, etc. I thoroughly believe Minor to be guilty, but if I were sitting on a court I would not vote guilty on the evidence now available—the testimony of one man only, and that man acting in the character of a detective and informer. If his testimony were substantially corroborated by other witnesses I believe a conviction would be justified. It is desirable, of course, if the man is to be convicted, that the case against him be as strong as possible. An offense that is so serious should, in order to justify conviction by a court and approval by the confirming and reviewing authority, be supported by the strongest proof, and since this is a case in which a dangerous element in the United States has the greatest interest, it had better not be tried at all unless there is proof which fully warrants conviction. An acquittal, a disapproved conviction, or an approved conviction on any thing short of conclusive evidence would be injurious to the cause of good government. It should be known within a week or 10 days at the furthest, I think, whether substantial corroboration of Siegfried's testimony can be had, and if it can I think Minor should be tried. If corroboration can not be had I think it would be better to dismiss the case."

No corroborating evidence having been submitted, on July 5, under orders from general headquarters, American Expeditionary Forces, the assistant chief of staff, G–2, Third Army, American Expeditionary Forces, sent Minor to Paris in charge of an officer, who conducted him from the military prison in Coblenz to the Gare de l'Est in Paris and then gave him the papers which he had received from the assistant chief of staff. This officer was unaware of the identity of his charge or of the nature of the case. This constituted his release.

Shortly after Minor was released important additional information was obtained as to his connection with the propaganda pamphlet in question. The day following his release Meta Filip entered the English occupied zone en route to Coblenz to testify as to Minor's authorship of this pamphlet. In addition to this an intelligence agent sent to Dusseldorf from Coblenz was told by the head of the concern who actually printed these pamphlets that Robert Minor was the man who brought the copy to him, obtained estimates for the printing of same, and who actually directed they be printed. This information was corroborated by another German in the office of the printing establishment. In the month of March an intelligence agent who was stationed in Berlin and was supposed to be a Spartacist was told by Robert Minor that the time was ripe for the spreading of Spartacist propaganda among the American troops of occupation.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

The PRESIDENT OF THE SENATE,
Washington, D. C.

Mr. KING. I ask that the communication from the Secretary of War, just handed down by the Vice President, be printed and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

RAILROADS IN ALASKA (S. DOC. NO. 142).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a supplemental estimate of appropriation in the sum of $17,000,000 required by the Alaskan Engineering Commission for construction and equipment of the railroad between Seward and Fairbanks, Alaska, fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN. I send to the desk a telegram and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

SEATTLE, WASH., *October 22, 1919.*

Hon. J. S. FRELINGHUYSEN,
United States Senate, Washington, D. C.:

We have noted with approval your comments as reported in the press on the demands of the coal miners and that you are quoted as stating that the demands would result in an increase in prices to consumers of from $2 to $2.50 per ton. It may interest you to know that the increases in western Washington would amount to from $3.50 to $5, and probably more, per ton. We have in the western part of the State the deepest mines and the most difficult mining conditions in the United States, likewise the highest wage scale. Present costs in western Washington mines run from $3.50 to $5 per ton at the mine. If miners' demands acceded to in full the present cost of production will be doubled in single-shift mines and probably nearly trebled in double-shift mines. Inasmuch as the principal mines are double-shift mines, the physical limitations of which would not permit of increased production on single shift through employment of additional men, the increase in western Washington would undoubtedly average close to $5 per ton and the State's production would be cut from around four and one-half to probably less than 3,000,000 tons per year. Our production, while nominal in comparison with that of the rest of the country, is extremely important to the communities and industries of this State. The demands, if acceded to, would make the cost of coal so high as to be prohibitive, and the result would not only be the closing of important mines but would be disastrous to the State's prosperity. Our contract with district No. 10 of United Mine Workers, which comprise the State of Washington, provides that it will continue for the duration of the war, the same as eastern contracts, but it also contains a clause providing that six weeks prior to the expiration of the contract both parties shall meet to negotiate a new one. The district has not notified us of its intention to consider the present contract as terminating, neither has it asked us to negotiate a new agreement, but this district and its local unions have been ordered by the national to cease work on October 31, and they doubtless intend to do so, irrespective of these provisions of the existing contract. It is such failures on the part of organized labor to fulfill its contract obligations which, as we view it, creates distrust in the minds of employers and leads them to question whether the form of collective bargaining now indorsed by organized labor is the one which will bring industrial peace. Our secretary is now in Washington, and we have asked him to call on you and supply any further information concerning our situation here which may be of value or assistance.

WASHINGTON COAL OPERATORS' ASSOCIATION.

Mr. FRELINGHUYSEN. I ask unanimous consent to have another short telegram, which I send to the desk, read for the further information of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

DANVILLE, ILL., *October 22, 1919.*

Senator FRELINGHUYSEN,
United States Senate, Washington, D. C.:

Miners in this district practically unanimous against strike. The demands advanced by their officials are not supported by the membership of the unions. Thirty hours per week working time would materially reduce the net income of the miners, and for that reason they are opposed to that program. The only individuals that approve of such a program are the wild theorists, who want to reduce working hours without reference to conditions governing the industry. What the miners actually want is the same hours and conditions of employment, with perhaps a slight advance on their wage rate. All other demands have no support among the membership and are made for trading purposes only. Everyone in the industry deeply appreciates your efforts to bring the truth about this question to public attention.

F. E. BUTCHER,
Manager Electric Coal Co.

Mr. ELKINS presented a resolution adopted by the congregation of the Trinity Methodist Episcopal Church, of Fairmont, W. Va., favoring an investigation into recent race riots and mob violence in the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Grant and Pendleton Counties, in the State of West Virginia, praying for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of the State of New York, remonstrating against placing the New York Barge Canal under the jurisdiction of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCNARY:

A bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ELKINS:

A bill (S. 3285) granting an increase of pension to Harry B. Robb; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3286) for an examination to determine location of safe and adequate harbor facilities on Texas coast con-

tiguous to Corpus Christi, Aransas Pass, Port Aransas, and Rockport; and

A bill (S. 3287) for rebuilding of the causeway in Corpus Christi Bay; to the Committee on Commerce.

By Mr. HARRISON:

A bill (S. 3289) to authorize the issue to States and Territories and the District of Columbia of rifles, pistols, machine guns, and other property for the equipment of home guards; to the Committee on Military Affairs.

By Mr. SMOOT:

A joint resolution (S. J. Res. 118) to amend a joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919, approved August 15, 1919; to the Committee on Mines and Mining.

By Mr. SPENCER:

A joint resolution (S. J. Res. 119) granting to honorably discharged student nurses the $60 bonus allowed by the Government; to the Committee on Military Affairs.

PROTECTION OF PUBLIC HEALTH.

Mr. FRANCE submitted the following concurrent resolution (S. Con. Res. 14), which was referred to the Committee to Audit and Control the Contingent Expenses:

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relates to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto.

SEC. 2. That such committee is directed and empowered to report to the Congress not later than March 1, 1920—

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder;

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for, and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919;

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities;

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health;

(e) Such further information as such committee may deem proper;

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

SEC. 3. That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts, deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution, one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. SPENCER submitted the following resolution (S. Res. 218), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution No. 42, agreed to June 6, 1919, authorizing the Committee on Claims of the United States Senate to employ an assistant clerk during the present session of Congress be, and the same hereby is, extended and continued in full force and effect during the remainder of the Sixty-sixth Congress.

FIRST DEFICIENCY APPROPRIATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insists upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 9822. An act to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication was read twice by its title and referred to the Committee on Foreign Relations.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The VICE PRESIDENT. The pending question is on amendment numbered 1 reported from the Committee on Foreign Relations on page 19 of the treaty. It will be read.

The SECRETARY. On page 19 insert the following proviso at the end of article 3:

(1): *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. JOHNSON of California. Mr. President, with an innocence which does infinite discredit to my experience in this august body, I originally introduced the pending amendment believing it would be acceptable to everybody; that it would find an answering echo in every Senator's bosom; and that, with a unanimity seldom accorded any proposition, it would at once be adopted enthusiastically and with acclaim. I am sorry, indeed, that I so mistook the situation. I fondly believed that in this particular conjuncture an amendment of this character, asserting only a national right, appealing only to the nationalism presumably inherent in every American heart, would spontaneously ignite the fires of common sense; that our normality for a brief period would return to us; and we could see the situation now confronting us and the world exactly as it is.

Perhaps I have wholly mistaken the present situation. I am sure I have mistaken the attitude of some of my brethren. Nevertheless, because originally I offered this amendment, I desire to present very briefly some of the arguments which seem to me all controlling upon the question, and those which should in the American Senate give to the amendment an overwhelming majority.

The design of the amendment is known to all. Its design is simply to give to the Republic of the United States a representation or a vote in the assembly and the council of the league of nations equal to the representation or the vote of Great Britain. It is a design, Mr. President, which I should imagine, under ordinary circumstances and without an irrational international emotionalism, would appeal to every American citizen and particularly to every American Senator.

The design, it was asserted last night in the closing speech upon this subject, was not fully accomplished by the amendment. I listened with great attention to the learned Senator from Minnesota [Mr. KELLOGG] in presenting his objections. I observed that, apparently, in the first part of his address his objection was because there was insufficient vitality to the amendment, but as he proceeded I observed that his objection to the amendment was because it had any vitality at all. I fear that that is the situation with very many of my brethren; that those who declaim loudest against the amendment are not opposed to it because it does not in every aspect accomplish its design, but are opposed to it because it accomplishes any part of the design and any of its purpose at all.

In order that we may sequentially follow the argument let me read the amendment and the corollary of the amendment which was presented by the Senator from New Hampshire [Mr. MOSES]. The amendment is, after article 3, to insert:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

I turn now to the corollary of this amendment, found on page 31 of the printed copy of the treaty, which was offered by the Senator from New Hampshire. The two are but part of the same design:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question.

The purpose of the two amendments, of course, was, as far as we could, to give equal representation to the United States in this league with Great Britain, and to make it impossible in questions which might arise between one of the British colonies and the United States for the other members of the British Empire to vote upon any such question. We sought, as I say, so far as we were able, to accomplish these results.

There were various ways in which it was suggested our purpose might be wrought. It was insisted by some that we might by reducing the votes of the British Empire and by according to the British Empire but one vote, that is, one vote for the empire and for all its colonies, accomplish our design; but there were to this particular method objections which seemed to have inherent justice. Particularly in view of the manner in which the league has been fashioned, and of the fact that the status of the colonies had already been fixed, not only by the members of the league but by our President himself to endeavor to eliminate the colonies from the status which has thus been accorded to them and for which they have fought so long, and in which fight they had been successful, might seem to do an injustice to those who had been part of the war, part of the great struggle through which we have just passed, and who have been admitted finally to a particular status within the league, presumably with our consent because under the written declaration of our President.

The argument which has been made by some of the Members of the Senate and by others reduces itself to an absurdity when carried to its logical extent. It has been repeatedly said, not only by Members of the Senate, but I think repeatedly stated in the discussion which has been going on in the country, that it is a matter of no consequence that this voting power, this disproportionableness of the membership in the assembly has been accorded to Great Britain, because after all there is little or nothing that can be done either by the council or by the assembly. It is asserted, on the one hand, that the council has little power and the assembly has none, and that by reason of these facts the vote of Great Britain, six times as great as ours, has no importance in the ultimate deliberations of the league and in its final consummation; but this argument, Mr. President, proves too much. If it is true that there is nothing that can be done by either the council or the assembly, that the vote is of no consequence because it can never be used efficaciously, it follows as a logical conclusion that the league has no vitality and no efficacy, and that we have then a mere pact here which is without power, without vitality, without the ability to accomplish anything of any kind whatsoever.

If that argument, which has been so often made by some who are in this body and some who are without, that the voting power is of no consequence because it can accomplish nothing, is sound, it leads to the irrational and ridiculous conclusion that the league is of no consequence and has no efficacy; and from that you may argue that the league before us is of so little consequence and of no importance and no value.

So we may pass the first of the arguments made against this amendment.

It has been insisted by the Senator from North Dakota [Mr. MCCUMBER], in a speech which he made I think upon the 6th day of October, that this amendment would deprive the self-governing colonies of Great Britain of their right in the assembly and of their right in the league; and he delivered an eloquent apostrophe to the sacrifices which had been made by Canada and by the other colonies of Great Britain, and asked whether we desired to take from Canada and from the other self-governing colonies the position which they had earned by their tremendous sacrifices and valiant stand in behalf of humanity and for the life of civilization.

Of course there might be force in the argument of the Senator from North Dakota if there were any foundation for it; but his argument proceeds upon mistake, misapprehension, and misunderstanding. I will not designate it misrepresentation at all, because I do not believe that he or any other Member of this body would indulge in misrepresentation concerning any amendment or concerning any fact within the jurisdiction of the Senate. When he asserts that we would deprive Canada and the self-governing colonies of Great Britain of the high position which they had won through their sacrifices in the war he asserts that which is entirely without foundation, because this amendment preserves to Canada, South Africa, New Zealand, Australia, and even to India, every position acquired by them by virtue of the war and every single attribute that is accorded them under the league of nations. It takes nothing from any colony of Great Britain. It adds to the voting power of the United States to make the voting power of the United States, so far as we are able, equal to the combined voting power of the British Empire and the British Empire's colonies.

It is asserted as well that we have a veto power, and that this veto power of ours will enable us, in any action which hereafter may be taken by the assembly, to protect ourselves and forever to prevent any one of the English-speaking colonies that owe allegiance to Great Britain from acting with a preponderance of power or authority over us. Upon this I will touch in a moment or two; but because of the constant misstatement and the constant misapprehension and the repeated misunderstanding—I do not say misrepresentation—concerning the status of the English colonies, I want to establish beyond the peradventure of a doubt just what that status is; and when we know that status, and that that status is as was asserted by the Senator from Idaho [Mr. BORAH] last night, we may then determine whether we wish to minimize the votes of the British colonies or whether we desire to make our vote equal to that of any other nation on the face of the earth.

In the beginning, Mr. President, I am unable to understand why it is that the twin specters, doubt and fear, accompany us in our desire here to remedy defects in this league of nations, and why it is that there is timidity, hesitation, and halting whenever we seek to do that which we ought to do in behalf of our country. To-day I appeal to a national spirit, it is true. I frankly admit that in standing here upon this amendment I am making what appeal I can to the Senate as a nationalist, as an American, if you please. I am making that appeal, first, because it is my right; secondly, because it is the appeal that has been made in every nation upon the face of the earth to-day in behalf of that particular nation.

Look abroad at every country that is involved in this great scheme. England views it from the standpoint of England's national interest, England's national power, England's national glory, England's national future. France views it from the standpoint of France's progress and France's prosperity and France's greatness. Every nation on the face of the earth, through its statesmen and its representatives, is looking at this great pact with which we are involved and upon this great peace treaty from the nationalistic standpoint. Is it possible that only here in the United States Senate we are denied the right that is conceded to every other nation on earth, that we are denied the viewpoint that every other statesman on the face of the earth has to-day; that we, and we alone, in the United States of America, can not look at this particular treaty and at this pact, the league of nations, and at this amendment, from our standpoint, the standpoint of our Republic; that we can not look at it as Americans alone?

Whence come these times upon which we have fallen to-day, when we must look abroad alone, and, with a mental farsightedness, view all the ills and all the difficulties, all the troubles and all the wars and all the controversies upon the face of the earth, beyond our borders, and that we are denied the right in the United States Senate or in the United States of America to look upon our own Nation and upon our own Nation's honor and its dignity, its position, and its power?

It is from the standpoint alone of our national dignity, our national prestige, our national progress, our national power, our American glory, and our American rights that I am making the appeal to-day in behalf of an amendment that would not have been opposed three years ago when we were mentally normal, and which three years hence, when we have recovered our mental normality again, would never be questioned for a moment either upon the floor of the Senate or in any other part of the United States of America.

I ask for myself and for the Senate just that which is taken by every other nation on earth, that which has been adopted by every man speaking for every other nation on earth. I ask the right to consider this pact and this document and this treaty from our standpoint, our future, and our destiny.

That is what I am seeking. I am seeking only what every other nation on earth has sought and obtained. I am asking only what has been granted every o her nation on earth, and which we, the representatives of this the most powerful nation on earth, are about to deny to the United States of America. I ask only that in this matter we consider this country; that we here, just as France and as England and as Italy and Japan and every other nation on God's footstool have done, considering it from the standpoint of our own country, do what we know to be right concerning the voting power and representation in this league, and that we amend, so far as we are able, the injustice which has been done to our Nation.

Now I desire, for a moment or two, to fix the status of the British colonies. That status was fixed yesterday in the very eloquent address of the Senator from Idaho, but there are one or two additions which I think may be made, and I wish that the RECORD may show clearly just what that status is.

It becomes important not alone to ascertain the position accorded by the peace conference to the colonies of Great Britain, but it becomes important as well in order that we may settle once for all the question whether, in a dispute between a colony of Great Britain and any other country, the other colonies of Great Britain, its remaining votes, will act in the assembly upon that dispute.

I lay it down as an undoubted proposition from the documents in the case and from the evidence at hand, first, that the status of the colonies of Great Britain, fixed by the peace conference, acquiesced in by our country through its President, affirmatively determined, that that status was exactly like that of independent sovereign States, and that, just like separate entities, independent sovereign States, they take their place in the league of nations, and vote exactly as separate entities and independent sovereign States. Secondly, I lay it down as an undoubted proposition flowing from the former and from the determination of the peace conference at Paris, that when it comes to a question of determination in the assembly and the league of nations, every part of the British Empire will vote upon any question there occurring. Only the part, the single fraction, which may be a disputant, will stand aside if interested. All other parts and fractions vote, and thus have a controlling interest, by reason of their preponderance in the voting of the assembly.

Yesterday reference was made to the remarks of Mr. Borden in the Canadian Parliament. I wish to place in the RECORD, not again to weary you with reading, just what transpired in the House of Commons of Canada on the days of September 2 and September 8. I do this in order that we may have chronologically a record of what has transpired in the neighboring country to us, which conclusively establishes the facts for which I contend, and which makes the record one which none can dispute.

I ask leave, without reading, Mr. President, to place in the RECORD, the first and second columns of page 22 of the House of Commons Debates, Official Report, Ottawa, Tuesday, September 2, 1919, for the purpose of establishing the status of the colonies as I have suggested.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

It is desirable to note an important development in constitutional practice respecting the signature of the various treaties concluded at the conference. Hitherto it has been the practice to insert an article or reservation providing for the adhesion of the Dominions. In view of the new position that had been secured and of the part played by Dominion representatives at the peace table we thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly, I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the Dominions, be signified by the signature of the Dominion plenipotentiaries, and that the preamble and other formal parts of the treaties should be drafted accordingly. This proposal was adopted in the form of a memorandum by all the Dominion prime ministers at a meeting which I summoned, and was put forward by me on their behalf to the British Empire delegation, by whom it was accepted. The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly so that the Dominions appear therein as signatories, and their concurrence in the treaties is thus given in the same manner as that of other nations.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by his majesty so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

The new and definite status of the Dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the Dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The Dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany, the status of the Dominions as to membership and representation in the assembly and council was fully recognized. They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members. An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me and is of record in the archives of the peace conference.

* * * * *

So that the Britannic Commonwealth is in itself a community or league of nations, which may serve as an exemplar to that world-wide league of nations which was founded in Paris on the 28th of last June.

Mr. JOHNSON of California. Those are the words of the Premier of Canada, Sir Robert Borden. In addition to that I desire to call attention to the House of Commons Debates of September 8, 1919, and to the remarks of Mr. Sifton, a member of the Government, concerning the labor convention, and containing the letter which has been referred to so often, signed by Messrs. Clemenceau, Wilson, and George. I ask leave to insert a portion of the first column on page 89 and the first column on page 90 of these debates.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

The leader of the opposition contends that we can take no part in the league of nations. Let me say that Mr. Clemenceau, President Woodrow Wilson, and Mr. Lloyd-George disagree absolutely with the honorable gentleman in that contention. I quote the following:

"The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view, that upon the true construction of the first and second paragraphs of that article, representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles of the covenant are not subject to a narrow or technical construction.

"G. CLEMENCEAU.
"WOODROW WILSON.
"D. LLOYD-GEORGE.

"Dated at the Quai d'Orsay, Paris, the 6th day of May, 1919."

Mr. JOHNSON of California. I will not stop to read again the letter of the President, Mr. Clemenceau, and Mr. George, but I want to read just a word concerning the labor situation. Mr. Sifton says:

I may say, Mr. Speaker, that for the first time perhaps in my life while I was overseas I assumed the duties of the minister of labor in his absence and took a special interest in this matter. I did this the first day that I saw the report of the International Labor Convention, which was prepared for the purpose of being submitted, without change, to the peace conference. I found that so far as that convention was concerned the gentleman who drafted it thoroughly agreed with the leader of the opposition—they thought that the delegates of the British Government could better look after the labor interests of the Dominion of Canada than we could; and it contained a special clause to the effect that the self-governing dominions should only have certain representation upon that governing body, and under no circumstances could there be any other. So far as I was concerned, Mr. Speaker, although I would have been willing to sacrifice many things in connection with the matter, I said that that was not in the interests of the Dominion of Canada, and that the fight would be kept up until the last minute before I would ever consent to a document of that kind under which the labor men of Canada, who were so proud of their international union, would have to go to the city of Washington on a footing inferior to that of the negroes of Liberia. I kept up the fight, and Sir Robert Borden kept up the fight and made it stronger perhaps, and finally, only the day before the peace treaty was signed, those clauses were struck out and the Dominion received exactly the same recognition in regard to that International Labor Convention that was accorded to any of the 32 allied and associated powers.

It is perfectly plain from these statements of Mr. Sifton and the Premier of Canada, and from the letter of the President, which has been read again and again in evidence here, that the status of the colonies was fixed at the peace conference, and that that status was fixed only after weeks of debate, consideration, discussion, and probably contest, and that when finally it was fixed, the status of the colonies of Great Britain was fixed for the purposes of the league as separate and as independent, sovereign States, with all the rights, the duties, the powers and the obligations appertaining to them that appertain to separate, distinct, and sovereign States.

Not only have we the testimony thus afforded us from Canada, but we have as well Gen. Smuts's statement made to the South African Parliament. I now read a dispatch appearing in the Montreal Daily Star on September 13, and this I wish our friends would follow, for it has been asserted with positiveness and with epithets upon this floor that the British Empire constitutes a whole, and that only as a whole may it vote in this league. It is astounding that such statements should be made with the evidence at hand demonstrating the contrary. I am unable to comprehend that sort of misunderstanding and that sort of misinterpretation. This dispatch is as follows:

In replying to the Nationalists in the House of Assembly, Premier Smuts made a notably important statement on the constitutional relationship of Great Britain and the Dominion, as modified by events of the war period and the decisions of the Versailles conference.

Until last year, he said, Britain ministers had signed all documents and dealt with all matters affecting the Dominions. A change had come in Paris when the Dominion representatives had, on behalf of the King, for the first time signed a great document, the peace treaty. The change was that in the future the representatives of the Dominions would act for the Dominions. The precedent is now laid down for all time.

Premier Smuts said the change was a far-reaching one which would alter the whole base of the British Empire.

Regarding the league of nations it was incorrect to say that in the league the British Empire was a unit. The Empire was a group, but South Africa had exactly the same rights and voice as the United Kingdom. Though the United Kingdom was a permanent member of the central council, South Africa could be elected to that council.

Of course, this is exactly what was determined by the President, Mr. Clemenceau, and Mr. George in their letter to Premier Borden of Canada, and of course if the colonies of Great Britain can be members of the inner council, as well as members of the assembly, then the disproportion in the membership and voting is so obvious and apparent that any man, no matter what may be his viewpoint or the motives actuating him concerning this amendment, can not misunderstand the power thus given to

Great Britain and the little power proportionately that is thus given to our own country.

All of those in power and authority now agree that the self-governing colonies of Great Britain have a status in the league of nations equal to that of independent, sovereign States. Not only that, but that they do not constitute a group, but each separate and individual fraction constitutes a separate and independent voting force, with the right, as a separate and independent voting force, to be heard upon any question, to vote upon any question, to act upon any matter in which it and it alone is not interested and is not one of the disputants.

To say, therefore, that it is a matter of no consequence that Great Britain shall have six votes and the United States shall have one is to deny the very facts; is in the face of the admissions that have been made by every government that is concerned in the matter; is in the teeth of the very statement of our President himself; is to insist that that exists which does not exist.

Suppose, Mr. President, that we were sitting here to-day making a league of nations. Suppose that there had been thus far no voting power accorded to any particular country. Assume, for the purposes of the argument, that we were sitting here without over us the terrible pall of internationalism, and without behind us the specter of fear concerning countries beyond the sea. Suppose that we sat here to-day just as Americans, forming a league of nations with all the rest of the world, and some over-zealous friend of Great Britain arose and said, "I move, Mr. President, that India be made a member with exactly the same power in this league as the United States of America."

What would Senators say? Is there any man upon this floor who has the temerity to assert that he would enthusiastically, or at all, adopt the suggestion that India, in the first instance, should be admitted as a member of the league of nations with exactly the same power and the same voting strength in this league that the United States of America has? All the apologies for the power of Great Britain in this league, Mr. President, every argument made, omits India. India does not come at all within the definition of self-governing dominions and colonies as provided in the pact.

India has no more right to be a member of this league than you have to set up an individual in the center of Patagonia and there and then say that he shall be a member of the league. There is nothing in the league itself that permits it for a single instant. There is nothing in reason or in logic that would tolerate it for a single instant. How far have we strayed from the paths of logic, how far have we gone from the path of justice, how obscure is our vision when, to-day, representing this great Nation, we view not only with equanimity but with a tremendous enthusiasm the admission of India into the league of nations with an equal voting power and an equal strength with the United States of America? This instance alone should bring home to us so clearly, unless our mentality has been distorted by the psychological reflex of war, the enormity of the present proposition that argument upon it should be wholly unnecessary.

But assume we go further, and as we sit here as Americans trying to do what is right, endeavoring to do what is just, to all peoples on the face of the earth and all countries, suppose some other individual should arise after we dispose of India, and that we would dispose of India instanter as a member of the league under those circumstances I think no one will question—suppose another arose and said, "Canada, New Zealand, South Africa, Australia have played the man's part, the valiant and the brave part, in this war—Canada, New Zealand, South Africa, and Australia, after all, represent Anglo-Saxon hopes and Anglo-Saxon aspirations; they should be admitted to this league."

You and I would sit and think for a moment. We perhaps would see the justice of it, and say, "Yes, they have done their part; they have done it well; they have made their sacrifices; yes, they may be admitted to the league." But what would you say about their power after they were admitted, even if you determined on the justice of their admission? You would say, "Admit them. Yes, admit them, yes." But being parts of this great empire, being fractions of this country whose drumbeat is heard around the world, who boasts to-day of the annexation of 800,000 square miles as a result of this war, owing their allegiance to their mother country, you would say, "Yes, admit them, but as fractions of this great empire."

In the formation of a league, if there were none of this peculiar pall that hangs over us now as a result of the war, and as a result of what we have seen in the last few months, and what perhaps from propaganda and a political terrorism we have felt, perhaps you would say, "Admit them." But there is not a man upon this floor but would say, "When you admit them, give them altogether with their single allegiance no more power, no greater representation, no higher vote, no more exalted place in this world's forum, than you give to our own country, the United States of America."

Would you not say that in the beginning, even though your sympathies went out to those colonies, and to those colonies you accorded this right? I think that no man will question that if we were standing here forming our league of nations to-day, first we would instanter dispose of India and never permit her to be a member of the league under the circumstances now existing; and, secondly, if we did permit the colonies of Great Britain to become members of the league, there would not be a dissenting voice in this whole Chamber, if we were forming the league, to saying that the United States of America should have a power and a representation and a voting strength in the league equal to the aggregate of the British Empire and its colonies and dominions.

What is it that has changed this viewpoint? If this we had in the beginning, what is it to-day that makes us shrink from doing the same thing now? What is it that holds us back, makes us timid and makes us fear to touch what is a national problem, and to do what we know is a national justice? What, I ask you, is it? Is it a fear of saying to some other country beyond the seas, "We are as great, we are as powerful, we demand equal representation with you"? Is it that? I can not believe it, Mr. President, at all. I can not believe that there is any man in America to-day who will hang his head and place himself voluntarily in a position of subordination, put his nation voluntarily upon a plane lower than that of any other nation on the face of the earth. What is this unholy thing that frightens us now and makes us fear to take for our country what we know is its due?

I appeal to you gentlemen upon this floor, if, in the first instance, you would deal with this pact by making equal representation for the United States with any other country, to-day will you not deal with it in exactly the same fashion, in order that our country may be adequately represented and that we may preserve its prestige, its position, its honor, and its dignity? I ask that to-day we do what we would do in the original instance. I do not think there would be the slightest objection from any nation on the face of the earth, not one. I do not think that from Canada, for whom eloquent appeals are made upon this floor while America is forgotten, would come an objection to this sort of voting power and this kind of representation on behalf of our Nation. In order that you may understand a little of the Canadian public sentiment, I read from an article recently appearing in one of the Canadian papers. Reprinted in the Literary Digest in a late number is this excerpt from the London (Ontario) Free Press:

> The London (Ontario) Free Press mentions a proposal that in order to offset the preponderance of British voting power in the council of the league, the United States should have an equal number of votes, and it avers:
>
> "There ought to be no difficulty in the matter. Obviously, America is entitled to as large a voice in the league as is the British Empire."

There is only one place on earth where that is denied. It is not denied in Canada, it is not denied in Great Britain, it is not denied in Europe. It is only denied in the United States Senate, and in the United States Senate alone.

This Canadian newspaper asserts:

> Obviously, America is entitled to as large a voice in the league as the British Empire. We want no advantage in the voting strength. Responsibility and voting power go hand in hand. If Washington accepts equal responsibility with Britain, then Washington must have an equal voice in determining the policy and practices of the league. There must be the utmost recognition of national rights in the conduct of the league or it can not continue to exist. Great Britain will not be jealous of any increase in the number of United States votes.

Great Britain will not be jealous of any increase; it is only the United States Senate that is jealous of any increase in the votes of the United States.

Mr. HARDING. Mr. President, will the Senator permit an interruption?

Mr. JOHNSON of California. Certainly.

Mr. HARDING. I wonder if the Senator wants to be recorded as saying that only in the Senate is the denial made? I have rather gathered the impression that there are other eminent authorities making the same denial.

Mr. JOHNSON of California. I am speaking generically, not of individuals, not of personalities. I am speaking within the legitimate limits of a forensic discussion entirely. Of course, I presume the Senator refers to the position occupied by the President. I have no doubt the President takes the position that the Senator from Ohio suggests, but I have no desire in this discussion to indulge in any criticism of individuals. I am speaking generically in all that I say, and I want to make that very, very plain.

It is true that there is another source in this country that wants just this thing. It was a source that I did not intend to speak of and a source to which I did not intend to refer, but there is a propaganda in this country, sir—and I am not speaking of the propaganda of the League to Enforce Peace particularly. There is a propaganda in this country from a certain part of the press that would club and bludgeon Americans to-day into doing exactly what Great Britain and Japan would desire, and that would club and bludgeon them from doing their American duty to-day. Were I to stand here and deliver a panegyric upon these votes of Great Britain, were I to stand here to-day and make an argument as best I could in behalf of the preponderance of voting power of Great Britain, were I to stand here to-day and say that it was a noble thing and a just, a marvelous, a rather remarkable thing, and the only thing that could be tolerated, that the United States should be given one vote and Great Britain six, there is a certain part of the press, the Anglo-Japanese press of this country, that would fill its columns with eulogiums of that which I said. What I say to-day in behalf of Americanism and in behalf of the rights of our country, its national justice and right—that sort of thing finds neither answering echo nor applause in this part of the press of the United States that has devoted itself exclusively in the last few months to propaganda in behalf of Great Britain and Japan.

We may pass that, however. It is a matter of little consequence. With that part of the press, it is a reproach to be an American to-day. With that part of the press, no longer can a man stand here, speaking solely from his heart, for all those things that he thinks should be American and in behalf of America alone, without meeting with abuse and vilification and denunciation from them. That is a part of their present game. This Hall has rung in the past with lofty patriotism. The voices may be stilled of those who have stood in this Chamber in years gone by and spoken for America, but to-day, Mr. President, there should be in this Chamber those who place American nationality first and who speak as they see American national rights to be, who should, notwithstanding an Anglo-Japanese press in this country, notwithstanding any consequences which may flow from their acts, still be American and still voice American sentiment, still stand, as they see it, for American rights and for the justice of America under a league of nations or in any voting trust or voting power, with any other nation on the face of the earth.

I have been fond of using an expression, and I used it a moment ago. Suppose three years ago when, untouched by the anguish of war, some man had come among us and said we should form a partnership with a foreign nation, and that the nation abroad should have six times the voting power and six times the strength of membership that we have in that partnership. For an instant you would not listen to him. If the same thing were to occur three years hence, when we have become normal again mentally, and any man would stand in this Chamber and insist that we should join in a covenant that would give to a foreign nation six times the voting power and strength that we have, you would not permit, for a single instant, his words to have weight with you.

To-day what is there that changes this situation? The bald statement of the proposition none would consent to. If one were to come to you and suggest that in any new arrangement six votes should be given to any foreign country and one to us, you would not listen for a moment. None, I am sure, will gainsay this. What is there that has happened that has lowered our prestige and our dignity and our position and our rights? What is it that has occurred that has taken from us the justice of our high position and has made us subordinate and subject to any other nation in any partnership or in any pact or in any treaty or in any league?

I have read to you the utterances of Canadian and of South African statesmen. The French statesman, M. Leon Bourgeois, who I understand will be a representative of France in the league of nations, recently said:

> We hope that as Great Britain has obtained representation for its dominions and colonies in the assembly, we will obtain the same right. Our colonies were not like her dominions, represented in the conference; they had no voice. But France will obtain in the assembly, we do not doubt, the total representation to which it has every legitimate right.

Thus France will equalize the voting power, and France has not only the league of nations but a separate alliance for her protection.

I could read to you the utterances of Borden concerning the Empire of Great Britain and the empire within the league. He uses exactly the statement—I do not know whether the Senator from Idaho was aware of it or not—that yesterday was used by that Senator. He says in so many words, and here they are in the debates of the House of Commons of Canada, that there will be two leagues, that there will be the league of nations and within it the league of the British Empire. Two leagues under your league of nations, the Premier of Canada says—the league of nations and the league of Great Britain within the league of nations.

Now I am not objecting to that; some of my colleagues certainly do not object to it; but if there be two leagues, the second being the league of Great Britain within the league of nations, upon what theory will you give it the power to split itself into fractions in the ultimate voting upon any question, and say to us that we shall have less power in the league?

There are three distinct reasons why this amendment should be adopted. First, it is right and it is just; secondly, the very self-respect of America demands it; and, thirdly, pride and patriotism command it. All three of these reasons give to us this amendment and should permit us an equal voting power. Do not soothe a perturbed conscience with the idea of a reservation which will adopt in the first instance a wrong and then reserve a protest against the wrong.

You are not going to cure this defect, if defect it be, by reservations to the league covenant and to the treaty. You can not give these six votes to Great Britain, this enormous power to the British Empire, and then, after assenting to it and giving it to Great Britain, by a reservation give yourselves equal power and equal right. The reservation which was submitted, I think, by the Senator from Minnesota [Mr. KELLOGG] yesterday does not reach the case and does not at all meet the exigencies of the league and the voting preponderance given unto Britain. The only way you can reach it is to give equal power to the United States, so far as you are able to give that equal power to the United States.

I recognize some inherent defects in the amendment which has been proposed, but those inherent defects are not those which make it more drastic or render it unjust at all. Those inherent defects are those which prevent it from going as far as it ought to go. If any Senator upon this floor who objects to the form of the amendment or who says that it does not go to the extent to which it ought to go will vote for the amendment with an amendment correcting what he says is the defect, I will be very glad, for one, to propose such an amendment and to endeavor to have the particular amendment of mine perfected by its addition; but when Senators argue that this amendment does not go far enough, what they mean is that it goes too far for them, and, even if it were amended and went the whole distance that they insist it should go, they would not then be in its favor and would not then vote for it.

The Senator from Nebraska [Mr. HITCHCOCK] yesterday stated that the whole argument fell because of the requirement of unanimity in action by the council. All now admit what was not admitted until it was developed, I think, by the Senator from Missouri [Mr. REED] upon this floor, that the British colonies may be members of the council, the only body having any vitality according to the proponents of the league; but he says that, though they might be members of the league, there is a veto power existing in the United States concerning their admission, and, therefore, the right that is thus given of eligibility upon the council is a mere naked right and of no consequence at all.

The singular ethics of those who argue for this league, Mr. President, is past my understanding. First, it is said to Canada, for instance, "You may become a member of the league; that is your right; you have gotten it after two months of struggle and of difficulty and of fighting over in Paris; the United States of America grants it to you now." Then, in the next breath, the argument is made that, having granted the right, you can without justice arbitrarily deny it. What kind of ethics is this of the proponents of this great idealistic instrument—the ethics which says, "Yes, it is your right; the circumstances are appropriate; the time is propitious; it is your right to be in the council; and yet without any justice whatever and arbitrarily we are going to deny the right"? No nation on earth could afford to do such a thing any more than an individual could afford to do it. So when the circumstances are appropriate, Canada, South Africa, New Zealand, and Australia will be admitted to the council of the league of nations. They will be admitted because it is their right—their right under the decision of the league at Paris over the very signature of our own President.

Oh, what a reflection there is, my friends, in the fact—how, indeed, it does gall some of us—that, after all, we have had to learn these facts not from our representatives, not, as is our right to know them, in the Foreign Relations Committee of the Senate, but we have had to learn these facts, not as you would imagine in a democracy the facts would be disclosed, but we have had to learn them from the parliamentary debates of

Canada and from Gen. Smuts's statement to the South African Parliament! Oh, what times are these! You can only imagine how this sort of thing can be done without protest, and can be done even with the assent of our people, when you realize our people can contemplate, for even a second, the idea that any other nation in any pact or any agreement has six votes and we have but one. What a sad commentary, Mr. President, it is upon a once great body—with all its past and with all its traditions—upon a once great body that has stood its ground for a century or more for America and for democracy, when to-day it can only learn of what has transpired, that intimately concerns it and that deals with its destiny, through the Canadian Parliament and the proceedings at Cape Town of the South African Union! This is the exact situation now confronting us.

No man in this Nation, apparently, publicly knew anything about the letter sent by the "Big Three" to Borden at Paris concerning the status of the English colonies; nobody in this country, at least publicly, knew anything about the proceedings over there which gave to the British colonies the independent, sovereign rights of separate States to vote in the league of nations. We asked for this information, Mr. President, for you will recall the resolution that went through the Committee on Foreign Relations asking the data and the proceedings at Paris of our representatives and of the peace conference. They were denied to us. We do not now know what transpired there. There is not a Senator upon this floor who has the slightest conception of the commitment in the future of the treasure and the blood of this Nation. There is not a man in the United States, at least publicly declaring it, who has any conception of what is in store for us from treaties yet to come; and in this league of nations, where our sacrifices are greater than those of any other nation, where we, the only one nonprofiting nation out of this war, where we, the unspent democracy from this cataclysm, have pledged our future for the benefit of the world, we to-day are without the knowledge of what transpired at Paris in reference to the pact; we to-day know nothing of the debates or the transactions over there upon which decisions were rendered and upon which our fate may have been sealed.

Oh, it is a sad, sad thing to contemplate, Mr. President, that this body finally is in that condition where it must derive its information upon important subjects and matters dealing with its destiny from the Parliament of Canada and from the Parliament of the Union of South Africa.

Again, Mr. President, not only could we not in good faith arbitrarily and unjustly deny Canada and the colonies of the British Empire a position upon the council, but, in addition to that, as was demonstrated by the Senator from Idaho yesterday, the true construction of the particular provision relating to the four temporary members is that those four temporary members shall be selected by the assembly in accordance with the league covenant and selected by a majority of the assembly. These four temporary members, if you will recall the reading of the pact, are to be chosen from time to time in the discretion of the assembly. It is asserted that the decision that would thus be rendered would require unanimous consent; on the other hand, it was claimed by some that it might be a method of procedure and would not require unanimous consent; but if it is asserted that the selection of these four temporary members will require unanimous consent, then there can never be a selection at all, and the provision that the selection shall be made from time to time in the discretion of the assembly is a mere nugatory provision without any vitality or without any force of any character.

We have learned from the President's letter that this document is to be liberally construed. It could not have been the intent of its framers that these four temporary members of the council who are to be selected from time to time in the discretion of the assembly should be ever permanent, although it is quite possible in the minds of exponents of the league that temporary equals permanent, just as they demonstrated by mental gymnastics and a mathematical paradox that six equals one; and it is possible, Mr. President, that in construing the league covenant the temporary members of the council, the four who are to be selected from time to time in the discretion of the assembly, are permanent members instead of, as described in the document, temporary. Such a construction of course would not surprise us in view of the amazing constructions which have been made concerning 6 equaling 1, and 1 equaling 32, and the like. The Senator from Idaho, however, demonstrated yesterday, and I will not weary you with repetition of his able presentation, that in the first instance these four "temporary" members may be chosen by a majority of the assembly.

But, Mr. President, this question goes further than the mere right or the mere justice of it. Its logic can not be denied; the right of it can not be questioned; its justice can not be gainsaid; and, as a matter of right and as a matter of justice, we should, so far as we are able to accomplish the purpose by amendment, have equal voting power and equal representation with any other country on the face of the earth.

But there is something beyond that, Mr. President. God put in every man's breast something beside a mere internationalism or a mere world vision far beyond his country's confines. I may cherish my neighbor, but my love after all is in my little home with my family. I may, indeed, have an admiration and an enthusiasm for another country, but after all God put in my heart, just as he put in the hearts of most men, a love for my native land. This question, Mr. President, far transcends in importance any mere justice, any mere right, any mere voting power or voting strength in this league; it goes far beyond that and touches the very dearest sensibilities that God has implanted in every man's heart. This question touches our pride; it touches our patriotism; it touches our self-respect. You can not, as you did the other day on the Shantung matter, break down the moral fiber of a nation upon a purely moral question and expect it to be in the future what it has been in the past. You can not take a Nation such as ours that has grown to greatness and to power; that to-day is the one great Nation in all this world—you can not take this Nation and permit its representatives to make it subordinate to any nation upon the face of the earth without touching the God-given attribute that is in every man's bosom concerning his native land.

What I appeal for, Mr. President, is not alone the justice, not alone the right, not alone the logic of the position which is here presented; but what I appeal for is that this country which we all love, this country which is ours after all—I do not care where it shall be placed or in what league it shall be put—that this country, America, shall stand before the world in every pact the equal of every other country upon the face of the earth, not in subordination to any other country in all this world. It is that, Mr. President, for which I appeal to the Senate to-day. It is not the question merely of votes; it is the question of the dignity, the prestige, the position, the honor, the love of country that I appeal to in this debate. All ye who would not permit under any other circumstances this sort of thing to be done to your land, how in the days to come will you explain your action to yourselves, how will you answer to yourselves for the country that is yours and that you now represent in the Senate why it was that on this day when finally the question confronted you of whether your country is equal to the Empire of Great Britain you decided it in the negative?

There was once a Democratic President who faced a similar situation and who faced it bravely and as an American. I wish to read to you the concluding part of his message on the Venezuelan question lest ye upon the other side forget and lest ye have forgotten all that that man, that brave man, did in that crisis of our Nation. I read you the closing paragraph of Grover Cleveland's message on Venezuela:

> In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow. I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice, and the subsequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

And to-day, Mr. President, I say to you, behind this question stand the national position, the national dignity, the national prestige, aye, the international honor of the United States of America. To-day, you and I are the trustees for future generations of that national prestige and that national dignity. To-day, you and I, for those who follow us, are the trustees of this which is most dear in our national life. Most of us here have passed the meridian, Mr. President. Our race of life is almost run. Most of us here have responded as best we knew how to that which has come to us in public life. But in the few years remaining to us, Mr. President, in this great crisis in our Nation's history, I appeal to-day to those men who have held aloft the standard of America, the old Stars and Stripes, America's prestige, America's honor, America's position, to stand firm and valiant for America.

Mr. LENROOT. Mr. President, before addressing myself to the pending amendment, I desire to call attention to the statement in this morning's Washington Post attributed to the Senator from Nebraska [Mr. HITCHCOCK] concerning the preamble that it is reported was adopted yesterday by the Committee on Foreign Relations. I quote:

> Senator HITCHCOCK, administration leader, stated yesterday that the preamble would operate exactly as an amendment and would send the treaty back for consideration by other powers.

I can not believe that the Senator from Nebraska is correctly quoted in that statement, nor can I believe that that is possibly the Senator's position, for I am sure that the Senator can not hold any such opinion as that. The matter in controversy over which this statement arises is whether there shall be incorporated in the resolution of ratification a requirement that three of the principal allied powers shall assent to our conditional ratification before it becomes effective or whether the resolution of ratification shall be silent upon that subject.

In either case I think it is admitted by everyone that there must be consent, either implied or expressed; and if reservations are adopted this treaty will not go back anywhere. It will not go to the Paris conference. The peace conferees will have nothing to do with it. If reservations be adopted to the treaty—and they are going to be adopted, of course, or the treaty will fail—the assent of these nations will be obtained through the usual diplomatic channels.

I speak of this matter this morning because I believe it is in the interest of the adoption of this treaty that the express consent of these three powers shall be required. If, before we deposit our ratification, the consent of Great Britain, France, and Italy is expressly given, there is no possibility, in my judgment, of any other nation objecting; and if there were any doubt of it, it will insure securing the assent of all other nations after these three powers have assented to it.

I merely wished to refer to this because I am sure the Senator from Nebraska would not have the country understand that his position is correctly quoted in the press.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. HITCHCOCK. I supposed the Senator had yielded the floor.

Mr. LENROOT. No; I have not.

Mr. BORAH. Mr. President, before the Senator leaves that subject may I ask him a question? I confess very frankly that it has been somewhat difficult for me to understand the position which has been taken with reference to amendments and reservations. If an amendment were put in the treaty, could not that be accepted by the different nations through diplomatic channels, the same as a reservation?

Mr. LENROOT. Possibly.

Mr. BORAH. Then what is the particular attitude of the Senator from Nebraska?

Mr. LENROOT. The difference is that if we propose an amendment it changes the text. We propose to the other nations that the text of this treaty shall be changed. The natural order would be for this amendment to go back to the peace conference and open up the entire treaty——

Mr. BORAH. No.

Mr. LENROOT. While in the case of a reservation we say to the other nations: "We are willing to enter into this treaty upon these conditions. Take us or leave us." That is the difference.

Mr. BORAH. But the difference is no difference to me. Here is the proposition: Suppose we should strike the Shantung provision out of this treaty entirely, and then the Executive department, through the Secretary of State, should see fit to communicate that to the different nations and ask them if they accepted or acceded to that proposition. Would it be any different from a proposition of reservation?

Mr. LENROOT. In that particular case it certainly would, because if we strike out the Shantung provisions from this treaty by way of amendment we strike them out not only for ourselves but for every other nation. By a reservation, however, we say that we do not assent to the provisions concerning Shantung. The other nations may continue to be bound by those provisions if they so desire. It is no concern of ours.

Mr. BORAH. Precisely so; but in any event you must have, either by silence and acquiescence or by affirmative action, the assent of the other nations, whether it is a reservation or an amendment.

Mr. LENROOT. Certainly. I agree to that.

Mr. BORAH. You can have that assent through diplomatic channels or you can have it by sending it back to the conference at Versailles; either one.

Mr. LENROOT. I want to ask the Senator this question, because he is one of the most learned Senators here upon international relations, next to the Senator from Massachusetts [Mr. LODGE].

Mr. BORAH. I do not know whether the Senator is sarcastic or not.

Mr. LENROOT. No; I am not. I am entirely in earnest, because the Senator has made a very profound study of international relations. That is merely a preface to what I was about to say.

Mr. BORAH. But I want to say that I am asking in the utmost sincerity, because I have been wholly unable to understand the distinction which has been drawn here between amendments and reservations with reference to requiring action from other Governments, and I am asking this in the utmost good faith.

Mr. LENROOT. I do not question that; and I want to ask the Senator this question: Whether, in all his study, he has ever found a case where one nation has amended a treaty and it has become effective without affirmative action, either reopening it at the peace conference, if it happened to be a treaty of peace, or otherwise? Has he found a case where an amendment to a treaty has been accepted by silent acquiescence?

Mr. BORAH. I am frank to say that I do not recall any particular case of that kind now; but that does not change the proposition that there can be no possible doubt that if a contract is submitted to me as an individual, and I strike out a clause of the contract, and the other party who had signed the contract acts under that contract, whether he does it by affirmative act or whether he simply proceeds to live up to it, he is bound by it with the clause stricken out; and that is true with reference to a reservation or an amendment just the same in one instance as in the other.

For instance, we put on a reservation here with reference to article 10 that a reservation, in order to bind the other nations, must be accepted either by affirmative action or by such silence as can be considered to constitute affirmative action. That is just the same. That would be true if we should strike out article 10. You may take it up through diplomatic channels and settle it in one instance just the same as in the other. If the peace conference at Versailles were at an end, if it were closed and forgotten, you could take this up and close it with every nation in the world by diplomatic communication.

Mr. LENROOT. That is possible, of course.

Mr. BORAH. Well, then, I do not see the difference.

Mr. LENROOT. I think the Senator from Idaho will at once see the difference. A reservation, as ordinarily made, does not attempt to interfere with the terms of a treaty or change the obligations of the other parties to the treaty. It affects only the obligations of the parties making the reservation, leaving the treaty intact as to all of the other parties. Now, I admit that we might have an amendment in form that was in effect a reservation.

Mr. BORAH. Or a reservation in form which was in effect an amendment.

Mr. LENROOT. No; I think not. I do not agree that we could make a reservation that was in effect an amendment. For instance, I do not think we could say, by reservation, that Shantung shall be transferred to China instead of to Japan.

Mr. BORAH. Why, yes; we could; and Japan could accept it through diplomatic channels just as well as she could at Versailles.

Mr. LENROOT. Well, it is not a reservation; that is the point I am making. A reservation, under the whole course of diplomatic relations, is one nation agreeing to provisions of a treaty and reserving or declining to be bound by some provisions of the treaty. The Senator, in all his study of all the treaties, can not find a case where a nation by reservation has undertaken to change the text of the treaty.

Mr. BORAH. I will not interfere with the Senator further; but I ask this question because I know the Senator has given a great deal of time to the consideration of the distinction between amendments and reservations, and at some future time I hope, either privately or publicly, to have some sort of a discussion with the Senator on the subject.

Mr. LENROOT. Very well.

Mr. FALL. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LENROOT. I do.

Mr. FALL. Mr. President, of course, we are all interested in this discussion. Does not the Senator differentiate between the character of amendments to what is ordinarily called the text of the treaty and reservations? Is there no difference in the mind of the Senator with reference to the character of the amendment itself?

Mr. LENROOT. Yes; there is. As I stated, I think an amendment may be in effect a reservation.

Mr. FALL. An amendment, in other words, may not change the obligations of the parties?

Mr. LENROOT. I agree with that.

Mr. FALL. It was upon that theory that the Foreign Relations Committee reported out certain amendments, some thirty-odd in

number, to the treaty. The amendment striking out the participation by the United States, through a commissioner, in a certain commission, was, in fact, merely a declination upon the part of the United States to be bound by the provision of the article prescribing and laying down the duties of the commission; it was simply that the United States itself would take no part in the discharge of those duties. What is the difference between that and a reservation?

Mr. LENROOT. I think there is a difference, and it is just this: Even in the case of an amendment, that is in fact a reservation, such as the Senator suggests, I think it would require the express assent of every nation party to the treaty. Let me follow that up for just a moment. Take this very treaty and suppose these reservations that the Senate will very soon discuss were in the form of amendments, but in exactly the same wording as they will appear as reservations, and the treaty is finally in full force and effect not only as to the three nations that have now ratified it, but the United States as well. How will the text of the treaty appear? Will it appear with the amendments made by the United States without all the other parties having expressly assented to them? I think not. I think it would require their express assent at least, if not a meeting of the peace conference, to make changes, even though they were in effect reservations. But if they are put in merely as a ratification with reservations the text of the treaty, when published, will not be changed in the slightest particular, but the ratification of the United States, following the treaty itself, will contain the reservations, and any nation that has not expressly objected to it is bound by it through acquiescence.

Mr. FALL. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Wisconsin yield further to the Senator from New Mexico?

Mr. LENROOT. I yield.

Mr. FALL. I will not detain the Senate nor interfere with the Senator further. I will not take up the time now to give the reasons for my dissent from his proposition.

Mr. LENROOT. Mr. President, I wish to very briefly discuss the distinction, to my mind, between amendments to the covenant of the league of nations and amendments to the balance of the treaty. A week or two ago I stated the distinction, as I saw it; but in view of the pending amendment, I wish to very briefly restate it this morning.

It has been repeatedly charged upon the other side of the aisle, and especially by the Senator from Montana [Mr. WALSH], that any amendments to this treaty, or any amendments to the covenant of the league of nations, would have to be submitted to Germany before they could be accepted. I agree as to amendments to all portions of the treaty other than the covenant of the league of nations. But it is not true, Mr. President, that amendments to the portion of the treaty that we are now considering will require submission to Germany, or necessarily, as the conditions now exist, to any powers other than those to whom, by the preamble in the resolution of ratification, the treaty must be submitted.

The provision of the treaty with reference to the time when the treaty goes into effect has been read so many times I hesitate to read it again, but it is provided that—

> A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand.

Then it provides for the taking effect of the treaty. The treaty has been ratified by Great Britain, by France, and by Italy. It will come into effect perhaps any day now. It will come into effect as soon as this procès-verbal is issued. Under the terms of the covenant of the league of nations, the members constituting the league of nations at the time this treaty comes into effect have the power to amend the league of nations. The league of nations, therefore, will come into being the moment that this peace treaty becomes effective against Germany, but the league of nations at that time will consist of the representatives of the nations who have ratified the treaty. The league of nations, therefore, in the first instance, will consist of the British Empire, of Italy, and of France, and any of the other smaller nations that may have ratified. I think Belgium has ratified. They then constitute the league of nations. It will be within their power to entirely revise this covenant of the league of nations the very next day after it has come into being; and Germany has consented to that. It provides that amendments to the covenant will take effect when ratified by members of the league whose representatives compose the council, and by a majority of the league whose representatives compose the assembly. When the treaty first comes into force, the British Empire, France, and Italy will compose the council, and they will also compose a majority of the members of the league, and they could just as readily write into the league covenant the amendments that we desire, so that the covenant will read as we want it to read before we deposit our ratification, as they could expressly assent to the ratification. There is this difference——

Mr. KING. Mr. President——

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. Does not the Senator do violence to the letter and to the spirit of the treaty in contending for the construction which he is now placing upon the treaty? As I recall, article 26 provides as the Senator has stated, but does not the Senator think that it should be read in order to be interpreted correctly, as if it should say, "Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council, to wit, the United States of America, Great Britain, France, Japan, and Italy?" Does not the Senator think that amendments are not contemplated to be made to the league until after all the representatives there indicated have come into the league, and the league in virtue of their presence in the organization, begins to function? In other words, does not the Senator think that Germany had a right, when she signed this treaty, to reckon upon the United States being a member of the league?

I can readily conceive that Germany might be perfectly willing to come into a league of nations if the United States were a member of that league, and would not want to join a league of nations if the United States were not a member of the league, and that she would be willing to take her chances about amendments to the league after the United States had come in and the league had functioned with the United States being a member of the league.

It seems to me the Senator's construction of the provision of the article might work disadvantageously to Germany, might induce Germany to believe that a fraud had been perpetrated upon her, and that a limping, incomplete, halting organization was forced upon her and upon all the members of the league before the league as contemplated by Germany when she signed the treaty had been called into existence.

Mr. LENROOT. In the first place, Mr. President, the Senator argues as to what Germany's deliberations may have been, or her considerations were, in signing the treaty. But the Senator knows quite as well as I do that from the very meager information that we were permitted to receive from the peace conference Germany was not permitted to consider a single paragraph of the peace treaty in any negotiable way. She was told, "Sign here," and she did.

Mr. KING. Mr. President, conceding that what the Senator has said is true, nevertheless, when we presented the treaty to Germany there were provisions in it which contemplated that the organization of the league should consist of a council, and that the United States of America should be one of the nations represented upon that council; and notwithstanding the fact that Germany admitted in the treaty that amendments might be made to the covenant of the league, yet she had a right to believe that amendments would not be made until the United States of America was a member of the league and participated in those amendments.

I can readily understand that notwithstanding the treaty was forced upon Germany, Germany might have been more reluctant to sign, might have made more objections, and they might have been effectual if she had known that amendments could be made textually to the league without the United States being a party to the amendment, and I can readily understand that she would have been brought to the signing of the treaty with a greater celerity and with less difficulty if she knew that we were going to be a member of the league than if she had known that we were not to be a member of the league.

Mr. LENROOT. Mr. President, I am very sorry, indeed, that the Senator from Utah has made the argument that he has just made, because by the very same process of reasoning the time may come when Germany, using the Senator's own words, will say that she is not bound by the provisions of the treaty because, following the Senator's reasoning just one step further, if the United States rejects the peace treaty there can be no league of nations at all; that if the United States rejects this treaty there can be no treaty of peace; that the treaty can not stand in any of its parts, notwithstanding the express provision that upon being ratified by three of the principal allied and associated powers it shall become effective.

If the Senator's argument has any standing Germany is out of this treaty to-day and will not be bound by it, because China is named in the treaty as one of the contracting powers. Yet China has not signed it and is out of it now, and proposes to remain out of it. Does the Senator say that the league of nations can not function because China is not a member of it? Does the

Senator say that there will be no league of nations if the United States does not ratify this treaty?

Mr. KING. Mr. President——

Mr. LENROOT. Just a moment. If that be true, what becomes of the provision in the treaty with reference to the right of withdrawal? It provides that the league of nations, on the Saar Basin, shall exercise sovereign control for 15 years. Suppose two years hence the United States withdraws from the league of nations, as it is given a right to do. The Senator's argument, then, could be used by Germany to the effect that "when we agreed to this the United States was a party to it, and, the United States having withdrawn from the league of nations, we are no longer bound by the provisions with reference to the Saar Basin."

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Certainly.

Mr. REED. I wish to ask if there is anybody here in the American Senate who wants to hesitate about protecting the rights of America because, forsooth, it might not please Germany, or Germany might feel badly about it, or Germany might actually have to be brought to the table again and required to consent to it?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I do; because the question seems to be directed to the Senator from Utah.

Mr. REED. The Senator from Utah does not look at it from that point; but that is the legitimate consequence of his argument.

Mr. KING. Will the Senator from Wisconsin yield?

Mr. LENROOT. Just for a brief statement.

Mr. KING. The question of the Senator from Missouri, I submit, with all due respect to him, is a very unfair question and was not warranted by the statement which I made in reply to the distinguished Senator from Wisconsin. I will say to the Senator from Missouri that I do not care what the feelings of the Senator or myself or any Senator may be toward Germany, we will deal fairly and justly with Germany, and if a contract has been entered into that does give some favor to Germany we will live up to that contract, though by breaking it it might be of some advantage to the United States.

Mr. REED. Mr. President, that is the very point—"if a contract has been entered into." If we make a contract with Germany we will keep it; but we have not made any contract yet. We are in the act of making one or refusing to make one. I want to know if anybody will hesitate to do what he thinks ought to be done for the protection of the United States simply because Germany has signed a contract and passed it over to us and we have not yet signed it? Are we so tender of Germany as that?

Mr. LENROOT. Mr. President, I simply wish to say, in further response to the Senator from Utah [Mr. KING], that if this language is not to receive its ordinary construction, if the league of nations does not come into being at the time that Germany agrees that the peace treaty becomes effective, then I say to the Senator from Utah that there is not only 1 paragraph but there are 50 paragraphs in the treaty that would permit Germany to escape from its provisions. But it does, and I have not before heard anyone question it except the Senator from Utah.

Now, there is this difference, and I want to be entirely frank and fair about it. If a reservation is proposed and these three nations assent to it, silence upon the part of others gives acquiescence, while if an amendment to the covenant portion of the treaty is made it will require the express action by these three; and if Japan, for instance, shall have ratified the treaty before we come to the deposit of the ratification, it will require the express action of Japan as well, because all of the members of the council must be unanimous in order to secure an amendment of the treaty, and for that reason I prefer reservations wherever reservations can accomplish the purpose.

That brings me, Mr. President, to a discussion of the pending amendment. I have heard the very eloquent speech of the Senator from California [Mr. JOHNSON] and his desire to protect American rights and American interests and safeguard the glory of our great country. We all agree with the sentiment expressed by the Senator from California, and I yield not to him or anyone else in my determination, in so far as one Senator can assist, to secure equality between the United States and the British Empire in all matters affecting the interests of the United States. But I undertake to say, Mr. President, and I think I will be able to demonstrate before I conclude, that the amendment proposed by the Senator from California does not protect a single American right or safeguard a single American interest. It does do this, and I am in accord with it—it does, upon matters that do not concern us directly, give us a larger participation in world affairs in an advisory capacity. It does give us a voice in the election of new members. It does give us a larger voice in the procedure merely of the assembly and the council. But that is all.

Now, I shall undertake to demonstrate the proposition that I have made that it does not protect any American rights or safeguard any American interests. Whether this amendment be adopted or defeated, a reservation will be necessary to protect America, because the Senator's amendment does not do it, and I shall come to that a little later.

First, as to the amendment, I want to call attention to not only its language but its relation to the text of the treaty and to what language it is a proviso. The treaty reads that:

> At meetings of the assembly each member of the league shall have one vote, and may not have more than three representatives.

That is the text. The pending amendment adds the proviso:

> *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governed dominions and colonies and parts of empire in the council or assembly of the league.

That is, it modifies the text of the treaty so that where it says a member shall have one vote, it gives to the United States as large a number of votes as, in effect, the British Empire and its self-governing colonies and dominions have, where it has a vote; but it does not undertake to and does not increase the voting power of the United States one iota except in cases where, under the text of the treaty, the United States has one vote.

Let us take the first proposition. The amendment, therefore, does not protect the United States in the case of a dispute between the United States and any member of the British Empire. I concede now—for I think without a reservation that would be the construction—that in a dispute with Great Britain all of her self-governing dominions and colonies would have the right to vote, but this amendment would not give us the right to vote in that case, because we would be one of the parties to the dispute, and the language of the treaty is that neither party to a dispute shall have a vote at all.

Mr. JOHNSON of California. Mr. President, may I ask the Senator a question, if it will not interrupt the course of his remarks?

Mr. LENROOT. I am very glad to yield to the Senator?

Mr. JOHNSON of California. I want to call attention to the corollary of this amendment, and, as I said in the beginning of my remarks this morning, they should both be read together as a part of the same plan. If this amendment be adopted and the subsequent amendment be adopted, is not the case stated by the Senator met?

Mr. LENROOT. Then I want to ask the Senator if he concedes that where we are a party to the dispute we do not have any vote?

Mr. JOHNSON of California. Oh, there is no question about that.

Mr. LENROOT. Very well.

Mr. JOHNSON of California. Let me ask further, does not the adoption of the second amendment meet the situation suggested?

Mr. LENROOT. It does so far as a dispute with the British Empire is concerned.

Mr. JOHNSON of California. The two go together, and what is the use of criticizing? The two are part of the same plan, the same amendment.

Mr. LENROOT. I was not criticizing. I propose to lead up to and discuss every possible dispute that the United States might have of which the league of nations or the council could take jurisdiction, and I propose to show that in no single case would the Senator's amendment protect the United States, and I took that as the first one.

I am very frank to say that that can be cured, and I assume will be cured, either by reservation or amendment; so I pass on to the next.

Mr. JOHNSON of California. But it is cured by the amendment of the Senator from New Hampshire [Mr. MOSES], which is a part of this same plan.

Mr. LENROOT. Oh, yes; and there are other things that will be cured. I sincerely hope that the defect in the Senator's amendment in failing to protect the interests of the United States will be cured subsequently by reservation.

Let us go on to the next character of dispute. I have now established—admitted by the Senator from California—that wherever the United States is engaged in a dispute we have

no vote, and his amendment will not affect that situation. Then suppose, Mr. President, that we have a dispute with Japan. We are a party to the dispute. It goes to the council. To bind us against making war the council must be unanimous, and we may fear that the council will be unanimously against our contention in that dispute with Japan, and therefore we remove the dispute to the assembly. That will be the only reason that could possibly exist for our ever taking the initiative in removing a dispute from the council to the assembly, in the hope that in the assembly we could secure a majority of the other members of the league who would not sustain the unanimous action of the council. Otherwise there could be no possible object in our taking the dispute out of the hands of the council and putting it into the hands of the assembly.

But what, then, would be our position? The Senator from California admitted a few minutes ago that wherever we were a party to a dispute we had no vote; therefore his amendment could not affect that situation in the slightest degree. Nevertheless, with this amendment adopted, in that dispute, removed by us to the assembly, Great Britain would have her six votes; she would have her five votes in the assembly to sustain her action as a member of the council.

I will undertake now to demonstrate—and I think I can demonstrate—that the adoption of this amendment will not give the United States an equal number of votes with the British Empire wherever a dispute between any nations is referred to the assembly. Article 15 reads:

In any case referred to the assembly all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly: *Provided*, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Now, let us see whether this amendment would have the slightest application in the case of a dispute between two countries, neither of whom is the British Empire or ourselves. Suppose a dispute between Greece and Bulgaria comes to the council and one or the other of the parties, believing that the council will be unanimously against it, removes the dispute to the assembly in the hope that a majority of the assembly can be secured to veto the action of the council, will we have six votes there? The British Empire will; there is no doubt about that; but under the amendment now pending, purporting to give the United States equality with the British Empire, we shall have but one vote in the assembly. Note the language:

Provided, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and a majority of the other members of the league—

We are on the council in that dispute between Greece and Bulgaria; but we are not, and this amendment does not make us, one of "the other members of the league" that have a vote.

So that in the event of a dispute between those two countries being transferred from the council to the assembly we would have no vote in making that majority, whether this amendment would purport to give us 6 votes or 600 votes. Mr. President, there can be no doubt about that construction, for note the language with reference to certain other provisions of the treaty—for instance, in relation to amendments of the covenant:

Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

In that case the members of the council help to make up the majority required in the assembly; that is clear. So, too, with reference to amendments to the labor provisions:

Amendments to this part of the present treaty which are adopted by the conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the council of the league of nations and by three-fourths of the members.

There again the vote of the nation that is represented on the council is also counted in the assembly to secure the majority, but not so in the case of a dispute, for there, Mr. President, is the little word "other"—"and of a majority of the other members of the league." Is it not entirely clear, therefore, that although this amendment be adopted we shall not have six votes upon any matter in dispute between any nations, irrespective of whether or not we are a party to the dispute?

Mr. THOMAS and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Colorado.

Mr. THOMAS. Mr. President, at this juncture, if it will not disturb the harmony of the Senator's argument, I want to inquire whether under the provisions of the first amendment it would not operate to give the United States six votes in the council?

Mr. LENROOT. I think not, because the British Empire would have only one vote in the council.

Mr. THOMAS. The language is ambiguous.

Mr. LENROOT. I will say that if Canada should ever be admitted to the council it would give the British Empire two votes in the council.

Mr. THOMAS. That is the intention; but as drawn it would seem to be sufficiently broad to have the effect of increasing our vote in the council.

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. I am not sure that I quite understood the contention of the Senator from Wisconsin, but if I did understand his position it was that whenever there was any controversy submitted to the assembly, being a member of the council, we would have no vote in the assembly?

Mr. LENROOT. That is true.

Mr. KING. Applying the same rule, Great Britain, then, would have no vote in the assembly?

Mr. LENROOT. Great Britain would not, but her five colonies would.

Mr. KING. Yes; the Senator thinks that her five colonies would have a vote, but that Great Britain herself would not?

Mr. LENROOT. She would have five votes in the assembly to our none.

Mr. KING. I wanted to understand the Senator's position.

Mr. LENROOT. But Great Britain herself would be excluded from the assembly as we are excluded from the assembly because we are a member of the council.

Mr. President, I feel very certain that upon reflection every Senator must agree to this construction and agree that this amendment does not protect any vital interest of the United States. Therefore, whether this amendment be adopted or defeated, a reservation will be absolutely necessary if the United States is to be protected against inequality in voting.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I yield.

Mr. NORRIS. I wish to ask the Senator if I am correct in my conclusion that it is the judgment of the Senator that the adoption of this amendment will have no effect whatever?

Mr. LENROOT. Oh, no; I am coming to that. It has no effect whatever upon any matter affecting directly the vital interests of the United States. I say that absolutely and without qualification. The United States ought to be protected in that regard. There ought not to be this inequality between the British Empire and the United States upon matters affecting the vital interests of the United States. So, Mr. President, I have proposed to the Committee on Foreign Relations a reservation upon this subject, which I ask to have read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

That the United States assumes no obligation to be bound by any election, decision, or finding of the council or assembly in which any member and its self-governing dominions, colonies, or parts of empire, in the aggregate, have had more than one vote; or in case of any dispute between the United States and any member in which such member or any self-governing dominion, colony, empire, or part of empire united with it politically shall have voted.

The PRESIDING OFFICER. The proposed reservation will be referred to the Committee on Foreign Relations.

Mr. LENROOT. I ask that it simply lie upon the table, as the Committee on Foreign Relations are already considering it.

The effect of that reservation, Mr. President, is to protect the interests of the United States against this inequality of voting, because under it we assume no obligation to be bound wherever Great Britain with her colonies and dominions have cast more than one vote; nor are we bound in case of a dispute either with Great Britain or any of her colonies or dominions where they have voted at all. That gives us equality so far as protecting our vital interests is concerned.

Now it is said that Canada, our neighbor—for whose sacrifices in the late war too much praise can not be given—ought to have the fullest recognition as a nation in the league of nations. Mr. President, I have no objection to Canada becoming a member of the league of nations; I have no objection to Canada having a vote of an advisory character in any matter; but I do object to the British Empire having six votes to bind us while we have only one vote to bind them.

If Canada—and I say it in no spirit of criticism or reflection upon her—wants to enter the sisterhood of nations, with all the sovereign powers of a nation, let Canada declare her

independence and secure her full sovereignty. Why, Mr. President, if Canada at the conclusion of this war had declared that she desired her independence from Great Britain, who is there that thinks it would not have been granted, because Canada could have maintained that position if it had not been freely granted? She did not see fit to make such a declaration. Canada desires to retain the protection and the privileges of being a portion of the British Empire, and that is her business, not ours. If she desires to remain a part of the British Empire, if she desires to remain in the condition she now is, where we as a Nation can have no communication officially with the Canadian Government except through the British Empire, if she desires to continue that relationship, that is her business and not ours; but she has not the right in the same breath to demand all of the privileges of a sovereign nation and the right to bind us by her vote when in all her foreign relations she is absolutely under the control of the mother country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. NORRIS. I want to preface my question with the statement that I most heartily concur in what the Senator has just said in regard to Canada. It seems to me that his statement is perfectly logical and is not susceptible to any question.

The question I wanted to ask the Senator was in regard to his proposed reservation, which I do not criticize either. But suppose that we adopt this reservation and approve the treaty with it as a part of the resolution of approval. Does not the Senator think that it goes much further in its legal effect on the treaty than any amendment that has heretofore been proposed? And if objection is made, for instance, to the Shantung amendment because it will have to go back, as some claim—which I do not admit—but assuming that to be true, does it not follow that this reservation which the Senator has proposed will make the approval of the treaty, at least by Great Britain and her colonies, an absolute impossibility?

Mr. LENROOT. Not at all. I think the Senator will plainly see the distinction between this reservation and the Shantung amendment, for instance. The Shantung amendment proposed to rewrite that portion of the treaty and change the name of the grantee from Japan to China. It not only would have changed the formal text of the treaty, but it would have changed one of the very material parts of the treaty. This reservation changes nothing. We do not in this reservation deny to the British Empire six votes. They may cast their six votes in any matter that they choose, but in that event we assume no obligation to be bound by the action there taken.

Mr. NORRIS. That applies whether we are in the dispute or not, according to this reservation.

Mr. LENROOT. Absolutely; and it ought to.

Mr. NORRIS. I agree with the Senator on that. I am not criticizing his reservation, but I am trying to get at the legal effect of it. To my mind it absolutely in effect, although it is done in the form of a reservation, will take away from Canada, from New Zealand, from Australia, and all other dependent colonies of that kind who are members of the league the absolute power that they have under the league as it now stands. In other words, no dispute could arise in which these self-governing dominions voted where the decision would, for instance, bind the United States. If we are going into a league of nations with a provision attached that we will not be bound in any case unless we want to, where these self-governing colonies vote, we make it absolutely ineffective, it seems to me.

Mr. LENROOT. I think not.

Mr. NORRIS. It seems to me, in the first place, that England and her self-governing colonies, if each of them wanted to have—as I assume they do—the same powers as any other member of the league, could not under any conditions accept this reservation.

Mr. LENROOT. Why not?

Mr. NORRIS. Because it destroys that power absolutely. I think it is the right principle. I do not think they ought each one to have a vote. I agree with the Senator there fully.

Mr. LENROOT. Let us see. In case they desire to bind the United States, they must content themselves with one vote; that is all. If they are indifferent as to whether the United States is bound or not—which may well be the case, for instance, in the illustration that I gave between Greece and Bulgaria—they may exercise and probably would exercise their right to cast six votes; but in any case where we are a party to the dispute we say we are not bound by the action if they cast more than one vote.

Mr. NORRIS. But this applies to any dispute, whether we are a party to it or not.

Mr. LENROOT. Certainly.

Mr. NORRIS. And its adoption would result in giving to each one of these component parts one-sixth of a vote.

Mr. LENROOT. However they chose to arrange it between themselves.

Mr. NORRIS. Yes.

Mr. LENROOT. The effect of this, to be very frank about it, is that in any case, if they want to bind us, they must content themselves with one vote.

Mr. NORRIS. Can the Senator conceive, in the business that will come before the assembly and the council, of such a reckless method of doing business? We would have some decisions that would be binding, and some that would not be binding. If some other country did the same thing that the United States does, by means of a reservation similar to this one, and they undertook to cast their entire six votes, I can hardly conceive how they would be able to accomplish anything, because there would be continually part of the nations that would be bound and part of the nations that would not be bound in practically everything that might come before them.

Mr. LENROOT. I think the Senator has forgotten the very material proposition that nearly all of the obligations that are imposed by this treaty are imposed by the treaty itself, and are several obligations of each nation; that there are very few cases, indeed, where the league or the council is given any jurisdiction to make any decision that is binding upon anybody; and the only one that now comes to my mind is the one with reference to arbitration and inquiry. So far as disputes between other nations are concerned, I am not very particular as to whether they cast their votes there or not; but wherever we have a dispute with any nation I do not want the British Empire to have six votes to our none, and, when they are engaged in disputes, I do not want us to have only one vote to their none.

Mr. NORRIS. I can hardly conceive of anything that might come up officially before the council or the assembly to which we were not parties, even, where we would not be interested in the result of the decision.

Mr. LENROOT. Oh, interested, certainly.

Mr. NORRIS. We would be vitally interested in practically everything, I think. That would have been true if we had had a league before this war, and Germany had undertaken to go across Belgium as she did. We would not have been a party to it, probably, but we were just as much interested as anybody who would have been a party to it; and I should think that would apply to the great bulk of the business that would come before either the league or the council. I can not conceive of an exception.

Mr. LENROOT. I again state that except in the case of disputes I do not now call to mind anything in the treaty that would create a binding obligation upon the United States by action of the assembly or council.

Mr. NORRIS. Yes; that is probably true. The treaty binds the various nations to do and not to do certain things, independent of disputes; but the real, vital thing, if the league is effective to maintain the peace of the world, is going to be that it will settle satisfactorily the disputes that arise. We do not care anything about anything that does not amount to a dispute; but when we get into a dispute we are interested in it, because it is out of the disputes, the disagreements, and the misunderstandings that wars come.

Mr. LENROOT. I am surprised to hear the Senator's statement. Does he think that if this league comes into being, and we become a party to it, the nations will generally, under the procedure defined in the league covenant, make decisions that are binding upon anybody?

Mr. NORRIS. Why, Mr. President, if the decisions are not going to be binding, there is not any use in having any decisions. I do not mean by that that any nation could not defy them and have an international revolution, probably, or anything of that kind; but I mean to say that if the disputes that arise in the future between the nations of the world are settled, they must be settled because the various nations, whether directly interested or not, are bound by the settlement that is made; and machinery that does not bring that about will not accomplish anything.

Mr. LENROOT. Mr. President, I am very much surprised at the confidence that the Senator seems to express in this league covenant, for, while I am for it, with proper reservations, I want to say very frankly that I never have believed that it would be possible very often to secure a unanimous decision of the nine members of the council and a majority of the other members of the league upon any dispute between any two great

nations. If I thought that was the beneficial part of the league, I would have very little confidence, indeed, in it. I believe that the beneficial portions of this league covenant are, first, article 11, whereby all the members will agree to discuss international matters affecting the peace of the world, not attempting to make binding decisions upon anyone, but bringing the moral influence of the nations of the world to bear upon a nation committing wrong.

Mr. WATSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LENROOT. Yes.

Mr. WATSON. How does the Senator construe the other part of that article?

Mr. LENROOT. Where it says "take such action"?

Mr. WATSON. Yes; "take such action as they deem necessary to preserve the peace of the world," or that is the substance of it.

Mr. LENROOT. I construe that to mean that the only action they can take is by way of recommendation.

Mr. WATSON. The Senator from New Mexico [Mr. FALL], who is more familiar with these articles than I, says that the language is that they "shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Mr. LENROOT. Yes.

Mr. WATSON. What does that mean?

Mr. LENROOT. That means, in my judgment, merely that they may express their opinions, they may make recommendations to the various members as to what action they think the members ought to take to safeguard the peace of the world; but no jurisdiction is vested anywhere in this league of nations to enforce any of its decisions, and, in the absence of that, there is no power, military or naval, contemplated to be placed at the disposal of the league, and there is no coercive power except under article 16 for a violation of the covenants with reference to arbitration and inquiry. There are no other penalties; and so, in the light of an explicit grant of jurisdiction, it does not seem to me that one is warranted in saying that this league has any power to enforce in any way any findings that it may make or any recommendations in which it may concur.

Mr. FALL. Mr. President, what has the Senator to say about subsection (c) of article 23?

Mr. LENROOT. It reads:

> Will intrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs.

The Senator desires to know my construction of that?

Mr. FALL. Yes. What authority has the league under that?

Mr. LENROOT. None, independently. My construction of that language is that the members undertake by subsequent action to explicitly provide for the supervision to be exercised by the league, but according to my construction they could not exercise any powers independently of this substantive grant.

Mr. FALL. No; but there is already a series of international agreements, particularly one with reference to the traffic mentioned, to which Germany and other nations are parties. Under this provision are you turning it over to the league?

Mr. LENROOT. It is "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon." To my mind that simply means that if we had in the past an international convention, with some bureau exercising supervision over it, that that supervision is transferred to the league.

Mr. FALL. Oh, no; you enter into a general agreement, as you have done by the present agreement, and each nation itself supervises and executes the provision which it obligates itself to. But under subsection (c) you are now delegating that power, as I understand it, to the league.

Mr. LENROOT. Certainly not to the extent of this league having any independent power of enforcement, any more than you may say we have entered into a treaty and it has the force of law, but with no force provided to make it effective, and that, of course, is behind all law. None is provided in this league of nations, and in the absence of it the most that could be said, if a nation fails to carry out such a promise as is implied by the Senator, would be that it was a breaking of the covenant by that nation.

Mr. FALL. May I ask the Senator another question?

Mr. LENROOT. Certainly.

Mr. FALL. Under part 13 of this treaty, which is a part of the league itself, there is a provision for the meeting of the labor council, and set forth in the article itself is the agenda for that first meeting. In the agenda of that first labor meeting is the consideration of child-labor laws. The Congress of the United States has already passed child-labor laws, and the Supreme Court of the United States has upon two occasions declared them unconstitutional. As I read the provisions of part 13, which go back to and have back of them for their enforcement the league provisions to which the Senator is now referring, if two-thirds of the nations adopt the agenda proposed—that is, if they adopt in words the child-labor law passed by the Congress of the United States, and the Congress of the United States again agrees to it—the Supreme Court of the United States has lost its jurisdiction, and it becomes a law by delegation to the league of nations and to the league of labor. It gives the league power to enforce its decision. I am merely suggesting this because of the line of argument the Senator is making that the league can not enforce anything. So we are confronted with the situation, in the face of a decision of the Supreme Court of the United States, if the Congress of the United States again passes a child-labor law which has been recommended by the council of the labor unions of the world, it will become the duty of the league, as well as of the league council, to enforce that law, despite the decision of the Supreme Court of the United States.

Mr. LENROOT. I will say, in reply to that, that in the first place no delegation of power can be granted in this or any other treaty for any representatives or to anybody to perform any act in violation of our Constitution.

Mr. FALL. There the Senator and myself are in thorough accord. I have taken that position from the beginning. But I am simply calling the attention of the Senator to my construction of an attempt, at any rate, to violate the Constitution of the United States by a delegation of power.

Mr. LENROOT. I do not think there can be any doubt about it.

Mr. FALL. That it would be unconstitutional?

Mr. LENROOT. Yes.

Mr. FALL. If I may trespass further upon the Senator's time, I have listened with a great deal of interest to the argument of the Senator, not only that which he is making now but that which I have heard him make before in reference to the voting and the effect of the Johnson amendment. The Senator, as I understand it, takes the position that by virtue of the fact that the United States is a member of the council, under article 15 it would have only one vote, at any rate, and that with regard to the Johnson amendment, providing that in a vote either in the council or in the assembly the United States should always have as many votes as Great Britain and her self-governing colonies, the Senator takes the position, I understand, that by virtue of our being represented on the council, under the Johnson amendment we would not be entitled to the total of six votes.

Mr. LENROOT. Not under the Johnson amendment or the original text, either.

Mr. FALL. Is it not the proper construction, that in the assembly, under article 15, where the matter goes either automatically or by request of the parties to the assembly, in the instance that the Senator has been citing in the assembly the nations vote by groups? They are simply grouped for voting. In the assembly there are so many votes, and in the assembly to-day Great Britain has six and the United States has one. They are in the assembly.

Mr. LENROOT. They are in the assembly for certain purposes.

Mr. FALL. For certain purposes, but they vote by groups, and it is provided that the vote of one group shall be unanimous, and the vote of the other group by a majority, shortly speaking. Yet the Senator says that under the Johnson amendment we would have only one vote and Great Britain six. I can not understand that.

Mr. LENROOT. Certainly, because we belong in one group where we have one vote.

Mr. FALL. But we are voting in the assembly, and the voting is by groups only in the assembly.

Mr. LENROOT. Yes; but it takes the two groups, and it says in one group there must be unanimous action.

Mr. FALL. Certainly.

Mr. LENROOT. Then, there must be a majority of the other groups.

Mr. FALL. Precisely.

Mr. LENROOT. And we are not in that other group.

Mr. FALL. Oh, yes; we are in the assembly, and the assembly is composed of a total of two groups. Great Britain has one vote in one of the groups and five in the other. The Johnson amendment gives the United States its one vote in one and five in the other.

Mr. LENROOT. How do we get in the other?

Mr. FALL. We are in there by virtue of being in the assembly.

Mr. LENROOT. No; here are two groups in the assembly. In which group are we? We are not in both.

Mr. FALL. We are in both under the Johnson amendment.

Mr. LENROOT. We certainly are not.

Mr. FALL. We certainly are.

Mr. LENROOT. Let us see. Does the Senator say that in the absence of the Johnson amendment we would have one vote in one group and one in the other?

Mr. FALL. We would have the one vote in the assembly.

Mr. LENROOT. Would we have two votes in the assembly?

Mr. FALL. If we cast the one vote against the other eight members of the council group, then the council vote would not be unanimous; but our vote would be a vote in the assembly and not a vote in the council.

Mr. LENROOT. Let me read the language:

> At meetings of the assembly each member of the league shall have one vote, and may not have more than one representative.

How many votes, under the text of the treaty, will we have in the assembly—one or two?

Mr. FALL. If you say that Great Britain has six, despite that wording, then I say that under the Johnson amendment we have six.

Mr. LENROOT. Great Britain has five.

Mr. FALL. A total of six.

Mr. LENROOT. Five in this group of the assembly, that is required to make up the majority.

Mr. FALL. The Senator makes the mistake, in my judgment, of undertaking to say that because you vote by groups you do not vote in the assembly.

Mr. LENROOT. I have to pay some attention, Mr. President, to the language of the treaty. What definition or construction does the Senator give to the words "a majority of the other members of the assembly"?

Mr. FALL. Exactly what was intended by Great Britain, in my judgment, was that if she voted with the other nine she could veto the action of her self-governing colonies, possibly, in the assembly.

Mr. LENROOT. Very well. Then they are only "other members of the league" who are included in the majority. We can not be a member of one group and also a member of the other group.

Mr. FALL. We can under the Johnson amendment. We can not under your insistence.

Mr. LENROOT. The Johnson amendment has nothing to do with increasing membership. It has only to do with increasing the votes of one member.

Mr. FALL. The Johnson amendment distinctly provides that we shall have in the council and assembly an aggregate vote equal to that of any other nation with all of her self-governing colonies.

Mr. LENROOT. Is that the construction the Senator gives to it?

Mr. FALL. Yes, sir.

Mr. LENROOT. If that is true, we have five votes in the assembly where we are a party to the dispute. Is that the Senator's construction?

Mr. FALL. No, sir.

Mr. LENROOT. Then if we do not have five votes in that case, why not?

Mr. FALL. The Senator's construction gives Great Britain five votes in the assembly.

Mr. LENROOT. Because they are different members of the league. That is a complete answer.

Mr. FALL. That is a complete answer in the Senator's conception of it. A complete answer to the Senator's position is that it would be very much better for the United States to adopt the amendment and exclude herself forever from the council. Then she would have six votes.

Mr. LENROOT. But I shall not repeat my argument on that, Mr. President. I think it is entirely clear that throughout this treaty the representatives who constitute the council vote in the assembly where they together constitute a majority. It says that. But in this particular case the language is "the other members of the assembly," and that very clearly excludes the United States.

Mr. President, I have made this argument not in opposition to the amendment but because there has been so much said about it as protecting American rights and American interests that I think the country ought to know that this amendment does not give the protection the United States is entitled to have, and it is for that reason only that I have gone into this matter as fully as I have. There is, Mr. President, one character of action by the league that this amendment will apply to, and to my mind in a very beneficial way, and that is under article 11, where it is provided that the league may take jurisdiction of matters affecting the peace of the world; but there it is not provided that the league can take any action that is binding upon anybody. Under the Johnson amendment, in meetings of the league or assembly, under article 11, it is true that we would have six votes with the six votes of the British Empire, but only in an advisory way. It is true that we would only have six votes, Mr. President, in participation in world affairs not directly affecting us or concerning us. I am rather surprised, Mr. President, that some of the advocates of this amendment, when the only substantial effect of it is to give the United States a larger participation in the affairs of the world, are supporting it so strenuously, when, if I understand the position of some of them, they are against the United States participating even in an advisory capacity in any affairs in the world that do not directly affect America.

I am not one of those who hold that position. I believe that the United States ought to take an interest in the affairs of the world, and throughout this controversy my position has been that I have not been willing by my vote to have the United States assume obligations under this treaty that would destroy the free will and the free judgment of the people of the United States. But in a meeting of the nations of the world to discuss the peace of the world, without the right to make binding obligations upon us or upon anybody else, I think there ought to be an equality in an advisory way between the United States and the British Empire. That being the only effect, in my judgment, of this amendment, I see no harm at least in adopting it.

But, Mr. President, I must call attention to the fact that while some Senators are so eloquently declaiming that the United States shall protect its glory and its honor, if I understand their position, when the final vote comes upon the treaty they will vote, some of them at least, not that the United States shall have six votes to the British Empire's six, not even that the United States shall have one to the British Empire's six, but when it comes to the final act they will vote that the British Empire, so far as they are concerned, may have six votes in the league of nations having to do with the peace of the world, but they do not want the United States of America to have any vote there, even in an advisory way. With that conclusion I can not concur.

Mr. COLT. Mr. President, I desire in a very few words to state why I am opposed to the Johnson amendment. I am in favor of some remedy for curing the inequality which the Johnson amendment seeks to cure, but I do not think the inequality can be cured by means of that amendment. I think the amendment, as applied to the covenant, is unworkable and impracticable.

In framing the league of nations three courses were open. The league might have been framed upon the principle that each sovereign nation was a member and had a single vote. It might have been framed upon the principle that each sovereign nation was a member and had a single vote, and that the self-governing colonies and dominions were also members but without any voting power. In either of those cases the Johnson amendment, or any similar provision, would not have been necessary. But the league was not framed on either of these principles. It was framed on the third principle, namely, of giving every sovereign nation a single vote as a member of the league, and giving every self-governing colony or dominion a single vote as a member of the league. Therefore, we have sovereign States members of the league, each entitled to a single vote, and we have self-governing colonies and dominions members of the league, each entitled to a single vote. In other words, self-governing colonies or dominions are put upon an absolute equality with sovereign States, and each member has a single vote.

Now, it is very difficult to meet this principle of inequality which arises from the fact that each of the self-governing colonies or dominions has a vote. I do not believe, however, that it can be remedied by the Johnson amendment.

Suppose the assembly of the league were gathered together in this Chamber, and the question before the assembly was the admission of a new member to the league. There are 32 members present, each entitled to a single vote. Thirty-one members vote. There are 31 votes cast, one by each member. The thirty-second member, which is the United States, is called upon to vote, and casts six votes. Five of those members who have voted are self-governing colonies or dominions. Twenty-seven of them are sovereign States, several of them world-empire States, and yet the United States casts a vote equal to the votes of six of the largest States or nations.

Suppose we admitted the 15 neutral countries to the league, as now contemplated. We then have 45 members of the league; and, the question before the assembly being the admission of a

new State to the league, the voting proceeds. Forty-four members, nations as well as self-governing colonies and dominions, vote, each casting a single vote. The forty-fifth nation, the United States, is called upon to vote and casts six votes. Thirty-nine of those members who have cast their votes represent sovereign nations. Is the United States entitled to six votes to the one vote each of those sovereign nations? Is that curing the principle of inequality?

But suppose, as the covenant contemplates, the league embraces the world. Suppose Germany, Austria, and other nations have been admitted, so that the league comprises 50 members, and the members are gathered together in the assembly to vote upon the question of an amendment to the covenant. Forty-nine of those members cast a single vote each, and when the United States is called it casts six votes. Is that curing the principle of inequality?

Mr. President, the framework of the league is founded upon membership voting, each member having one vote, and when you disturb that principle of membership voting you have got to reconstruct the league covenant from beginning to end. Let us see. The first function of the assembly—and I am paying particular attention to the assembly, is to elect new members. New members are admitted, if the admission is agreed to, by two-thirds of the assembly—that is, two-thirds of the members of the assembly. How are you going to apply the Johnson amendment to that provision? You must certainly change the text in order to apply it. In the covenant as now framed it is the members who vote, and when you change it by giving the United States 6 votes it is a good deal as if 95 members of the United States Senate each had a single vote and the ninety-sixth member, the Senator from California, for example, had 6 votes. Is that a workable form of voting?

In a corporation there are two methods of voting, as applied respectively to the directors and to the stockholders. The directors vote as members of the board, and each member has one vote. As for the stockholders, the vote of each stockholder is measured by the number of shares of stock he owns. In the Johnson amendment it seems to me that in principle you are undertaking to combine these two inconsistent forms of voting. At least this can not be done without you reconstruct the covenant, and I do not believe you can reconstruct the covenant so as to combine membership voting with a plurality of votes given to one member.

As to the provision with regard to electing new members by the vote of two-thirds of the assembly or two-thirds of the members of the assembly, you will have to change the text there, and I am unable to see how you can change the text to make it conform to the Johnson amendment.

The second function of the assembly is to make rules of procedure. How are they made? They are made by a majority of the members of the league represented at the meeting of the assembly. Mind you, all through it is the league and the members of the league represented in the assembly who vote, each having one vote. How are you going to apply the Johnson amendment there? I do not know.

Again, if we turn to article 15, where provision is made to refer a dispute to the assembly, you will find that the assembly then votes in two groups, one group comprising the council, where the vote must be unanimous, and the other comprising the remaining members of the assembly, where the vote must be by a majority. And here, again, I ask, How are you going to adjust the Johnson amendment to these provisions? To do this you must certainly change the method of voting in these provisions. That is the third function of the assembly.

The fourth function relates to amendments. Article 26 provides:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Now, it is apparent that you can not apply the Johnson amendment to this provision without reconstruction.

From these illustrations it is manifest that if you are going to undertake to apply the Johnson amendment to the text of the covenant, you have got to reconstruct the whole covenant and insert in different provisions appropriate language to make it clear that these provisions cover the Johnson amendment. For these reasons I think the Johnson amendment is impracticable and will not accomplish the object it seeks.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. COLT. I should prefer not to yield just at this point. I am about through. Instead of attempting to destroy the covenant, I think the best way to cure this inequality is by the reservation suggested by the junior Senator from Wisconsin [Mr. LENROOT]. This reservation provides in substance that in any case in which we feel that this inequality has worked an injustice to us we shall not be bound; in other words, that we shall not hold ourselves under obligation to be bound by any decision, report, election, or finding of either the assembly or the council in which a member and its self-governing colonies or dominions have more than one vote. I believe that is the most practical suggestion that has been made, and that it is the only way that we can meet this question of inequality.

So far as the Moses amendment is concerned, the difficulty can be easily met. It can be met by the reservation of the Senator from North Dakota [Mr. MCCUMBER]; it can be met by the Lenroot reservation. It is perfectly easy to meet that proposition; and let me tell you why.

Under the covenant the parties in interest are excluded from voting in a dispute, and we want the word "parties" or "party" to include the member and its self-governing colonies and dominions; and it is perfectly easy to do this by a reservation. I do not want to vote for the Johnson amendment, because I do not believe in any amendment to the treaty which calls for a resubmission to the other signatories; and, further, because I believe that this inequality can be met by a reservation.

Mr. EDGE. Mr. President, while I favor the adoption of reservations rather than textual amendments, and have, I believe, consistently followed that course and policy, still at the outset of the short statement I propose to make, I wish to say that I see no reasonable objection to the suggestion which has been made that if the treaty is finally ratified with reservations individual acquiescence on the part of three of the major nations should be required. I say that for this reason: If the reservations finally adopted by the Senate are unsatisfactory to other members of the proposed league, most assuredly they propose to say so; they must enter their objections. If, on the other hand, the reservations we make are satisfactory to them, or at least they feel that they should not enter formal objection because of many matters incidental thereto, then, presumably, there is no reason in the world, as I analyze the situation, why likewise they should not say so? So I can see no reason why, if the treaty is ratified with reservations, whatever the reservations may be, we should not insist on having them agreed to or acquiesced in by three of the nations, and that fact clearly stated.

In a speech I delivered in this Chamber a few weeks ago, I endeavored to make clear that, while I was in full sympathy with the objects sought by practically all of the amendments that have been offered, I felt convinced that they could be better attained by including strong, unmistakable reservations in our resolution of ratification, covering every one of these questions from the American standpoint, rather than by making textual amendments to the document. The former at least gives promise of a much earlier disposition of the whole matter, and all must admit that the latter means more delay.

Most naturally and properly, the intent of the amendment under consideration has been generally approved. Were I not convinced that a reservation to be later offered would provide even greater protection, or if I believed the question could not be covered by a reservation, I would without hesitation vote for the pending amendment. But, in my judgment, even this amendment would not protect America in a practical way to the extent that the reservations covering the same subject are designed to do. For instance, the treaty clearly provides that parties to a dispute will not be permitted to vote; I have been greatly impressed with the contention that, if America became involved in a dispute—say, with Japan—it would not make any difference whether America had 6 votes or 60 votes, she would be barred from voting. The passage of this amendment would in no way help that situation. The reservation which will undoubtedly be adopted, if the treaty is to be finally ratified, provides that in just such a case as cited no other country could cast, in effect, more than one vote, thus precluding Great Britain from using her 6 votes. If the reservation be not adopted, but the pending amendment be adopted, Great Britain's 6 votes would count, but America's 6 would be excluded from voting in any such hypothetical case as I have cited.

Which is more beneficial, a vote for temporary political expediency, because it touches a popular chord, or a vote for the lasting protection of American interests?

As stated, if there were no other way to correct this glaring inequality, I would unhesitatingly vote for the pending amendment, but I feel absolutely convinced that the method of reservation I have discussed protects America even more positively and completely and will accelerate action, which we certainly agree should be in great part the essence of our efforts.

It seems to me only reasonable to assume that textual amendments to the document mean necessarily a reconsideration on the part of the powers abroad collectively, just as amendments to any pending measure mean in any legislative or deliberative body. While, on the other hand, reservations, as I view them, and which view seems to be acquiesced in by high legal authority, simply present the terms upon which America agrees to or ratifies the treaty, and in our making reservations we in no way deny other countries the same privilege. True, in effect, these reservations may, and I grant it, amount to amendments, but precedents seem to establish that the method of consideration of reservations versus amendments is more simple, and probably will not require joint meetings of the parties involved, with their attendant discussions and disputes. If we adopt this amendment, is it not reasonable to assume that other nations would demand a like consideration? I am impressed with the view that our object is more practically accomplished by, in effect, reducing Great Britain's voting strength, rather than by increasing our own, which purpose I am confident will be accomplished by reservations to be later considered. If other countries demand similar understandings, we can have no objection.

When voting against this amendment, I want it to be clearly and emphatically understood that I propose to vote for reservations covering the same subject, and which, in my judgment, will protect America even to a greater extent than does this amendment. If the other countries, either individually or collectively, are not satisfied with the reservations we make, then the "scrapping" of the treaty is entirely up to them.

I further want it emphatically understood that if reservations are not included in our resolution of ratification which, in my judgment, will fully, completely, and unmistakably protect the independence and sovereignty of America, then I shall refuse to vote for ratification. Therefore there should be no question in the minds of the public as to the determination to protect this country fully and unequivocally on the part of those who believe that reservations are the most practical method to pursue.

I have always taken the position that the duty of the United States Senate was not to attempt to rewrite the treaty with the meager information at hand, but to protect the country we represent. The covenant as presented to the Senate is far from being a perfect instrument. Grave injustice has been done to some peoples, notably to China in the Shantung action, but the responsibility and censure for such wrongs will be placed by history exactly where they belong. While deploring such wrongs, however, I am interested, first, in the welfare and independence and sovereignty of the United States. I will support any and every reservation, no matter how strong the drastic, which I believe necessary to protect the United States. But beyond that I am satisfied to leave the rectification of others' wrongs to the future.

The adoption of amendments means more parleying and delay—delay and procrastination which will injure the United States tremendously. Business hesitates, restrained by the apprehension of uncertainty, and through this delay America is losing its advantageous position in the race for world markets and world trade. By the adoption of reservations which will specify explicitly the positive, concrete terms on which the United States ratifies the treaty and covenant, this precious time may be saved, and the sovereignty of the United States will be protected and preserved. What more can we ask?

I do believe, however, as we evaded no responsibility in time of war, we should evade none in time of peace, and that we should be a part of a league of nations with the protection I have briefly discussed fully determined. The league provides for consideration of threatened international disputes and dissensions, and such consideration entails no hardship and might prevent war. So, therefore, I am entirely ready for our country to contribute its moral influence, its moral power, and moral aggressiveness in cooperation with other countries of the world in endeavoring to maintain peace, but I am determined in so doing she will retain that control of her own destiny, which policy has made her great and will continue to maintain her power and influence for good, for peace, and for world tranquillity.

Mr. McCUMBER. Mr. President, other Senators have presented the impracticability of the so-called Johnson amendments. I want to point out infirmities beyond their mere impracticability. I wish to present to the Senate the gross inequalities of amendments that are proposed to prevent inequalities.

The first Johnson amendment reads—and I invite Senators' attention to the language of that amendment—

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

The object of this amendment, Mr. President, says the Senator from California, is to equalize the voting power of the countries; but the effect of the amendment is to make thrice unequal any inequality which by any possibility can be claimed to exist.

Now, let us analyze this amendment. The amendment does not modify in any way the previous clause of article 3 to which it is added except in the case of the self-governing British dominions or colonies. This previous clause reads:

At meetings of the assembly each member of the league shall have one vote.

But, of course, this is modified by article 15 of the league covenant, which provides that the parties to the dispute are excluded in the findings by the assembly. Now, I shall give but two instances of the gross inequality created by this proposed amendment.

There is no question but that Canada, Australia, New Zealand, South Africa, and India have one vote each in the assembly, separate and apart from that of the mother country, on every question except where the British Empire or any of its parts is a party to the dispute. Under the terms of this amendment the right of the United States to cast six votes is not dependent upon whether the British colonies can or can not vote on any subject in the assembly; but, because of the fact that they are merely members of the assembly, the United States can at all times and on all subjects cast six votes.

In other words, the United States can cast six votes on every subject except in a dispute to which the United States is a party. Then she can cast no vote. Neither can Great Britain nor her dependencies, under the just construction of this covenant, cast any vote when either Great Britain or any one of her self-governing dominions is a party to the dispute.

Suppose, for instance, that there is a dispute between the British Empire and Spain. Every member of the British Empire is excluded from voting. I know it is said that because these colonies are made members and given voting powers in the assembly they are therefore in some way separated from the mother country and are not parties to the dispute; but that will not stand the test of inquiry. In such dispute France will cast one vote, Italy one vote, Belgium one vote, Brazil one vote, and the United States will cast six votes, under the Johnson amendment. Now, do you suppose that France and Italy and Belgium and Brazil would for one moment consent to such an inequality?

But, for further elucidation, let us take a case where the British Empire is not a party to the dispute, where it and all of its colonies and dependencies would be entitled to vote. Suppose there is a quarrel between Sweden and Denmark concerning fishing rights in the Baltic Sea. These countries fail to settle their dispute diplomatically. One country brings the matter into the council. It is then transferred from the council to the assembly; and it is only in the assembly, of course, that the British colonies can vote. The assembly first attempts to effectuate a settlement of the difficulty. We will suppose that it fails to do so. Thereupon it proceeds, as it must, to ascertain what the true facts in the case are. The representative of Canada makes his finding. The representative of Australia makes a different finding, because these two representatives are not governed by the home country in their findings in any way whatever. The representative of New Zealand makes still another finding. Now, a compromise agreement as to the facts must be made before the conclusion has any binding force; and on the final determination of what the facts are we have Canada voting one way, because Canada casts her own individual vote without any control by Great Britain or any other country; we may have Australia voting with her, New Zealand voting against her, and South Africa voting against her, each voting its own separate conviction and itself casting its own vote. Then comes France, and she casts also one vote, which may be with Canada or against her. Then Italy casts one vote, which may be in accordance with the Canadian view, or it may be against it, and then the representative of the United States comes in and casts six votes. The United States' six votes would all be cast en bloc, because they would all be cast by one member.

So the United States, as a single entity, in every instance would have six votes as against every other country or every other colony represented in the assembly.

Thus, Mr. President, we are asked to give to the United States as a single entity a vote six times as great as that of any other

power. I say six times as great as that of any other power, because Great Britain can not cast the vote of Canada or any other of its dominions, while the United States would cast its full six votes.

Mr. President, I want to take up now another matter to make clear the position that it is absolutely unnecessary, so far as a dispute between nations is concerned—in which case the nations are excluded by the terms of the covenant—to have an amendment that we shall have six votes to equal the six votes which are excluded. I know that some Senators have disagreed with the assertion that in a dispute with a country having dominions or possessions represented in the assembly all such representatives are excluded in any finding or decision, but those Senators who have disagreed can find no logical foundation for their disagreement.

The question was presented at our conference with the President about like this:

If we should have a quarrel with Great Britain, could Canada or Australia or New Zealand vote upon that dispute?

The President answered, in substance, no; because it is all one country, and the whole Empire is a party to the dispute; that a dispute with a part is necessarily a dispute with the whole, and a dispute with a dominant country is necessarily a dispute with all the dependencies and possessions of that country. The President not only declared that that was his understanding, but also declared that it was the understanding of the conferees, and it is borne out by every syllable in the covenant itself.

Before proceeding with that, Mr. President, I want to answer one innuendo that has been shot into the Senate and upon every platform in the United States. I am always willing to concede that anyone may differ with me materially, absolutely, unconditionally, upon every feature of this league of nations, and he may be just as true and just as much a red-blooded American as I am. All I ask of him is that he accord to me the same qualities of Americanism, even though my views differ radically from his.

I am not questioning the red-blooded Americanism of the Senator from California [Mr. JOHNSON], of the Senator from Missouri [Mr. REED], of the Senator from New Hampshire [Mr. MOSES], or of any Senator who disagrees entirely with me. But, Mr. President, I am getting a little bit tired of Senators swelling themselves to a bursting condition, thumping their breasts, and declaring that they are the only true, red-blooded Americans, and that anybody who disagrees with them is necessarily a traitor to the cause of America. Mr. President, there are too many great and good and intelligent men in the United States supporting this league, heart and soul, for anyone to challenge either their intelligence or their Americanism.

Red-blooded Americanism? Do I cease to be a good American because I believe that America has a conscience bigger than a flea? Do I fail to recognize American sentiment and true Americanism when I believe that America has in its red blood sympathy for other nations of the world? Does Americanism mean selfishness? Does true Americanism call for the attitude of a bully toward all who are inferior in power? A bully is ordinarily a coward, and America is not a coward.

Does Americanism mean the same as amphibianism, neither hot-blooded nor cold-blooded? Does Americanism mean that this country should go along with a chip on its shoulder, defying every other country on the face of the earth? If that is true, then I admit that I fail to recognize what is true Americanism.

I have always felt, Mr. President, that the best American is the American whose sympathy was the broadest, whose kindliness toward all the world was the greatest, and whose generosity was without measure. It is not true that the only way that I can be an American, a red-blooded American, is to be so everlastingly selfish, so everlastingly hoggish, that I can not look beyond the borders of the great American Continent and extend a sentiment of kindliness or sympathy or helpfulness to my brothers across the ocean. They were our ancestors, Mr. President. We are blood of their blood and bone of their bone. We can not damn them without damning ourselves. We can not accuse them of selfishness, of all the selfishness and lack of honor, devoid of any nobility of purpose, as we have been accusing them on this floor day after day, without accusing ourselves, their children, because we must have inherited some of those qualities from them. I love my own country best, but that does not necessarily mean that I have to hate every other country and become suspicious of every other country in order that I may be a red-blooded American. I have confidence in the intelligence of the great American people that they will be able to hold their own in any contest, mental or physical, with any power or number of powers of the Old World. I am not afraid that we will be outwitted and that we will be outvoted in all of our contests with the nations of the Old World. I can not recall a single instance in which we have gotten the worst of it in any matter we have ever submitted for arbitration or international settlement.

Mr. President, I hope that each one of us can have an honest view upon this question of the league of nations or against the league of nations without the imputation that the opponent of our views must necessarily be un-American.

I want to get now right down to the provisions of this league of nations. The Senator from California [Mr. JOHNSON] in his discussion this morning said, in substance, that in my argument I did not intend to give a wrong construction, but that I have done so. Mr. President, I have not done so, and I can establish, beyond any possibility of doubt, that my construction of this league of nations is absolutely correct.

No matter how often one quotes the clear, unequivocal language of the league provisions, we find Senators who will still persist in making broad declarations that can find no warrant whatever in the wording of the covenant.

Senators still persist in the assertion that the council and the assembly created by this treaty have the powers of a court of arbitration, and that they will decide questions of international disputes as a court of arbitration or a court of justice; that Great Britain in such decisions will have six votes and the United States but one. Both propositions are contrary to any fair construction of the instrument.

Mr. President, I assert these general principles that have no exceptions or modifications in the covenant whatever, namely:

First. Neither the council nor the assembly can ever sit as a court of justice or as a court of arbitration in the settlement of international disputes.

Second. The only question of international dispute which can be submitted, either to the council or to the assembly, is the determination of what the true facts are in respect to any dispute and in suggesting a proper means of settlement.

Third. Mr. President—and this bears directly upon the pending amendment—in any dispute in which the British Empire or any one of its self-governing dominions is a party, all representatives of the dominant and the dependent countries are excluded from voting. Therefore, if any dispute in which the British Empire is a party arises, such empire not only does not have six votes but it has no vote whatsoever.

Fourth. The only case in which the self-governing dominions could have a vote would be a case in which the only question in dispute is between two other nations, and an investigation in that case would be merely to ascertain what are the true facts concerning the dispute.

Suppose there was a dispute between Serbia and Bulgaria and the dispute was brought to the council. In the council, of course, the British dominions outside of the dominant country, Great Britain, would have no vote, because the dominions are not members of the council. But if the dispute should be transferred to the assembly, then each one of those dominions would have a vote in determining what the true facts of the dispute were and recommending a basis of settlement.

We are, therefore, called upon to decide by these amendments, first, whether Canada, by reason of her entering into the war of her own volition, by reason of her four years of carnage to uphold the great principles for which we were battling, by reason of her mighty sacrifices in blood and treasure has earned the right which she demands to be heard in this lower body, this assembly, when neither she nor Great Britain is a party to the dispute, in investigating and passing judgment upon what the true facts are in reference to any dispute; and, secondly, whether there is any danger to the United States in allowing Canada a voice in the determination of such facts.

Mr. President, I proceed to analyze the covenant now to show that these declarations are supported by every line and every letter of the covenant. The first question is this: Has the council or the assembly any authority to act as a board of arbitration or to render any judgment binding in any degree upon any member? Section 11 has often been quoted for the purpose of bolstering up the suggestion and argument that the council or the assembly can pass a binding judgment on any question that may be brought before it. Nothing could be further from the truth. No one questions the fact that any member of the league may bring before the council or the assembly any circumstance or fact which such member thinks may threaten or disturb the peace or good understanding between nations. The door is wide open to present any circumstance, just the same as under our Constitution the door is wide open to the public to present any kind of a petition to Congress to petition Congress, for instance, to do that which, under the Constitution, Congress could not possibly do. We can not exclude a petition because it requests us to do that which is pro-

hibited by the Constitution; but nevertheless our powers under the Constitution are quite clearly defined and limited.

So, Mr. President, the authority of the council or the assembly to act upon the circumstances presented is also clearly defined. The limitation to its action is clear and definite. What is it that the members who adopt the league are obligated to do? Article 12 sets out the only thing which they agree to submit to either the council or to the assembly and how they agree to submit it so far as relates to disputes. Article 12 reads:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council.

Mark you now, Mr. President, they do not agree to submit the matter to arbitration by the council, but simply to submit their dispute to an arbitration outside of the council or to an inquiry inside of the council as to the facts. That is made doubly clear by the succeeding article 13, which reads:

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy they will submit the whole subject matter to arbitration.

But the question arises, Submit it to whom or to what? That question is answered in the third paragraph of this article, which reads:

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

In other words, this matter of arbitration is to be settled entirely outside of the council and outside of the assembly. In the case of the United States we have already provided by covenant with many nations how our court of arbitration shall be constituted. That ought to settle once and for all this everlasting assertion that the council or assembly actually decides disputes.

The Senator from California [Mr. JOHNSON] seems to insist that they must arbitrate these questions or else there is nothing to the league of nations whatever. That does not follow. The Senator may think there is no power back of the league of nations unless the league has the power to decide absolutely what this nation or that nation shall do. The real power of the league of nations is the persuasive power which will be found in public sentiment when that public can rely upon the facts that have been found by the league to be the true facts in any dispute. In other words, if the people of any country know that their country is wrong they will not allow their country to wage a war for such wrongful purpose.

Then follows article 15, which relates to the cases which have not been submitted to arbitration outside of the council or the assembly, and that article reads:

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13—

That is, submitted to arbitration outside of the league—

the members of the league agree that they will submit the matter to the council.

And again the question, Shall submit to the council for what purpose? It has been argued again and again that if they submit it to the council, they must submit it for either arbitration or the decision of the council upon the merits. But that is not the way the covenant of the league reads.

The first purpose is immediately answered by the third paragraph of article 15, as follows:

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.

In other words, the moment the matter comes to the council, the council endeavors to effect a settlement. It exercises its good offices, advises and suggests in the effort to induce the disputants to come to some agreement. It may even, under this authority, go far enough to suggest what the council thinks ought to be done by the one or the other party to the dispute, but so far the only power to be exercised is the power of persuasion.

But, Mr. President, suppose that these efforts also fail to bring about a settlement. Then what is to be done? The very next paragraph answers the second inquiry. It is this:

If the dispute is not thus settled—

That is, by persuasion—

the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Now, Mr. President, that is the full authority and the limitations of the council when any dispute is presented to it. If the good offices of the council fail to bring about a settlement, then the council investigates the facts and makes a recommendation in regard thereto. If the dispute is removed from the council to the assembly, which must be done within 14 days after the dispute has been submitted to the council, if removed at all, when it reaches the assembly it is dealt with exactly the same as though it had remained in the council by the express provisions of the league—

Provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

The only binding decision that can possibly be made in the assembly, as in the council, is the final conclusion as to what the facts in any given case are.

Now, you will look in vain, Mr. President, throughout the entire provisions of the covenant, from article 1 to article 26, inclusive, to find a single word or sentence that gives to either the council or assembly the right to do more than exercise its good offices, and, if that fails, to find the facts and make a recommendation with reference to any dispute.

Therefore the only question that our neighbor, Canada, could vote upon would be a question of what the facts of any dispute are. For my part, Mr. President, I have confidence in her integrity, confidence in her judgment in such an investigation, and, I might add, confidence in the fact that these two great North American countries, with the same laws, the same history, the same ideals, the same moral and religious sentiment, will never be found to be very far apart in their conclusions upon a set of facts and their views concerning a just and righteous settlement.

Mr. President, we now come directly to the question whether Canada or Australia can vote in a dispute between the United States and the British Empire or between that Empire and any other country. No one questions that Canada, Australia, South Africa, and New Zealand are parts of the British Empire. It has been stated that inasmuch as we give them separate votes we recognize them as wholly independent nations. We can not and we do not recognize that which is not true and which we know can not be made true. They were given separate votes, not because they were not members of the British Empire, but because they were so sufficiently self-governing that they voted themselves into the war, that their sacrifices were protionally equal to those of France, of Great Britain, of Italy, and that inasmuch as this conference accorded a vote to every nation which had made a paper declaration of war against Germany, and which had not expended a single dollar nor furnished a single soldier in the great battle, it could not consistently deny an equal voting power to Canada, Australia, South Africa, and New Zealand, which had fought so valiantly and sacrificed so greatly to save the world from slavery, upon the simple question of the foundation of the facts in dispute.

Mr. President, I want to read a statement from Sir Robert Borden, premier of Canada, as to how and why Canada was accorded a vote independently of the vote of the British Empire. This is what he states:

In the end I proposed that there should be a distinctive representation for each dominion similar to that accorded to the smaller allied powers, and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of the representatives of the United Kingdom and the dominions. The proposal was adopted by the imperial war cabinet.

These are the reasons, as he states, why Canada was accorded a vote.

On behalf of my country I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American Continents. Her resolve had given inspiration, her sacrifice had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations, or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice.

That was the theory on which Canada secured her right. Great Britain never asked that that right be accorded to Canada; she was perfectly willing to assume the responsibility of casting the vote for all of her dominions; but Canada and Australia refused to accept a position secondary to black Haiti, to blacker Liberia, to Uruguay, to Hedjaz, and to 20 other nations that never turned their hands over in the great world struggle.

Mr. President, giving them this vote, however, does not make them any the less members of the British Empire. Of course, Canada and Australia can not vote in the council, because they are not members of the council.

The ninth paragraph of article 15—and this is a graph upon which I base my argument—provides that ever pend-ency of Great Britain is excluded, as well as Great Br a her-self, in any dispute either with the mother country with any dependency, possession, or self-governing dominion. The ninth paragraph reads:

In any case referred to the assembly all the provisions of this article and of article 12, relating to the action and powers of the council, shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league—

Now, mark the words—

exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof—

Mark again—

other than the representatives of one or more of the parties to the dispute.

In order, therefore, to give any effect whatever to the finding of the assembly, the report must be concurred in by the representatives of those members of the league represented in the council; and I might add here that that concurrence must be by unanimous vote of the council, excluding the parties to the dispute, and, in addition, by a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute. In both instances it will be observed that there are eliminated both parties to the dispute, whether in the council or in the assembly.

This brings us right up to the major question: Can there be a dispute with a part that is not a dispute with the whole? That is all there is to this proposition. Can we have a dispute with a part of the British Empire unless there is a dispute with the whole British Empire? Have we ever had a dispute or a misunderstanding with Canada that we did not settle through the mother country?

Did we ever settle a dispute with Canada herself? Senators know well enough that we never did, and we never can, because Canada and Australia have no ambassador, minister, or other diplomatic representative in the United States; they are represented by the Empire itself; they are not represented, mark you, as separate entities, but are represented by the British Empire, of which they are a part. So, too, it is equally certain that when we have a dispute with England we are having a dispute with Scotland; we are having a dispute with Canada, Australia, Wales, and New Zealand. The dispute is with the power that represents the whole, not with each one separately. The question was asked the President at our meeting at the White House—I do not remember at which one—whether that was the view taken at the conference, and he answered in substance that it was; that we could not have a dispute with a dominion that was not a dispute with the Empire.

Mr. President, I do not doubt for a single moment that every nation represented in the Paris conference took that same view, the reasonable view, the only view, to my mind. I want those Senators who are present to stop a moment and ponder upon that proposition. I wish to say to them that France was represented at that conference by one of the wisest and one of the strongest men in Europe, M. Clemenceau. Does anyone believe for a moment that this great statesman, the old "Tiger of France," remembering how often in past centuries his country had been engaged in deadly conflict with the British Empire, regarded it as possible that Great Britain should have six votes to one accorded to France, or if France had a dispute with Great Britain, that Canada, Australia, New Zealand, South Africa, and India would be left free to outvote the interests of France 5 to 1? Such a conclusion, to my mind, would be an insult to the intelligence as well as to the patriotism of the great representatives of France, Italy, and every other country parties to the conference. None of them voted to give Great Britain that superior power, because every one of them understands clearly that any dispute with any member of the British Empire was a dispute with the entire Empire, and excluded that Empire and all its parts from any vote whatever in the controversy.

Mr. President, we have been laboring to meet not only every legitimate objection but every illegitimate objection to this treaty as well; and the assertion regarding the voting power of Great Britain has been so often published to the American people that I think we are justified in adopting a reservation which will place this question beyond cavil. For that reason some time ago I submitted a reservation which I still think should be adopted as the principal reservation in determining this question and placing it beyond any possibility of doubt. That proposed reservation is as follows:

That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies.

That is what the President says is the true meaning of this article. That is what every nation that was engaged in it understands to be the true meaning; and the only people that have ever doubted it have been some Members of the Senate and those of the country who have been misled by their broad and unqualified statements. To meet that misleading view, I believe we should adopt this reservation.

But, Mr. President, it is alleged that by some kind of legerdemain these British colonies can also be made members of the council; and on this point I shall be glad to have the attention of the Senator from Indiana [Mr. WATSON], who has taken a different view.

Even if they could be made members of the council, they would still be excluded in every case in which Great Britain or any of her dependencies might be a party; but, Mr. President, they could not in any event become members of the council. I not only find nothing to justify any conclusion that they could be made members of the council, but, on the contrary, I find that such possibility is carefully guarded against by the very wording of the instrument.

It will be observed that Canada and Australia and these other British Dominions are by the provisions of the league of nations covenant made members thereof. They are present members, and I want Senators to remember that. They are not prospective members, but they are members to-day as much as Great Britain and France and Italy. They are not in the list of those who are invited into its membership, but by the very terms of the instrument they are original members of this league of nations, and they can not therefore be included in those members who may be added. When you are already in a league you cannot be added to the league afterwards. "Added" means something outside that is brought in to swell the total number.

Mr. WATSON. Mr. President, will the Senator let me ask him a question?

Mr. McCUMBER. Just a minute, until I finish the sentence. They can not be added to the league, and thus they do not come in the category of those whose representatives, so added, may become members of the council.

Now I will listen to the Senator.

Mr. WATSON. Does the Senator mean to say that if Newfoundland, for instance, which is a British colony, should hereafter be admitted to the league it could become a member of the council by proper action, and that Canada, New Zealand, or Australia never could be?

Mr. McCUMBER. Canada takes in all to-day; but whether or not you consider that Canada has such a broad, general sovereignty from ocean to ocean as would include Newfoundland in Canada, certainly Canada is a part of the league to-day, or will be when the league covenant is ratified. If Newfoundland could come in as a separate entity afterwards, and the United States and everyone else should vote to put her in, of course then she could be added to the league, because that would be an addition; but that would be an impossibility, a thing they never would do.

Mr. WATSON. Well, I know, but I am talking about the thing that might happen. The Senator's theory, then, is that Newfoundland, after being admitted to the league under those conditions, thereby becomes eligible to a position in the council. Is that right?

Mr. McCUMBER. If a country not a member, one that is not now a member of the league, one that is not one of the original members of the league, shall be voted into the league for a specific purpose, namely, for the purpose of being placed upon one of these classes in the council, then it could be done by the unanimous vote of the council, and by some of the members of the council voting themselves out. That, of course, would be within the realm of possibility. What I have been discussing is the question whether it is possible to add Canada or Australia or New Zealand or any one of these five dominions and make them a part of the council; and I am trying to make that so clear that there can be no question in the mind of any Senator in regard to it.

Mr. WATSON. I understand the Senator's position perfectly, because he and I have argued it a great many times.

His position, as I understand it, is that Canada, because she is a present member of the league, can not be eligible to a position on the council—never at any time in the future—but that if Persia, for instance, shall become a member of the league under proper conditions, Persia might become a member of the council.

Mr. McCUMBER. Yes.

Mr. WATSON. So that the present self-governing colonies of Great Britain that are members of the assembly never can become members of the council, and Persia, practically another colony of Great Britain—at least, Great Britain has control of Persia—may become a member of the council, so that the Senator discriminates between the different colonies of Great Britain.

Mr. McCUMBER. The Senator certainly does not regard Persia as a colony of Great Britain.

Mr. WATSON. Well, I will not call it a colony, but she has control of Persia.

Mr. McCUMBER. I do not think she has any more control of Persia than we have of Cuba, and I never have regarded Cuba as a part of the United States.

Mr. WATSON. I disagree entirely with the Senator. I think Great Britain has control of Persia—in fact, I think more control than she exercises over Canada.

Mr. McCUMBER. In any event, Persia is not a part of the British Empire. Nobody has ever claimed that it was a part of the British Empire. Nobody ever will claim that it is a part of the British Empire. We are but playing with wild suppositions in presenting a case of that kind.

Now, Mr. President, I want Senators to read article 4, which declares that the council shall consist of representatives of the United States, the British Empire, France, Italy, and Japan, together with representatives of four other members of the league, to be selected by the assembly from time to time; and until the appointment of the representatives of these other four members is made, Belgium, Brazil, Greece, and Spain shall furnish such representatives to this council.

I want Senators to distinguish, also, between members of the council and members of the league. The league members are not members of the council. The council is made up of the representatives of the members of the league, nine of them, and not the league members themselves.

Now, how can you add to this membership? How can you increase the number of the council? The second paragraph of article 4 answers that question. Let me read it:

With the approval of the majority of the assembly, the council may name—

And I want you to note the words—

The council may name additional members of the league—

Not additional members of the council, but—

Additional members of the league, whose representatives shall always be members of the council.

I want Senators also especially to notice that this second provision does not say that with the approval of the majority of the assembly the council may name members of the league whose representatives shall always be members of the council, but that the council may name additional members of the league. "Additional" means in adddition to the present members of the league. If it had been intended to allow representatives of any member of the league, either present or future, a seat in the council, the words "additional members of the league" would not have been used at all.

The second clause of the second paragraph carries out the same idea. It reads:

The council, with like approval, may increase the number of members of the league.

Not increase the members of the council who are representatives, but "may increase the number of members of the league." Now, you can not increase the number of members of the league by taking a present member and putting him in a position here or there. You have the same number in your league. You can only increase a number of members by taking in new members. I refer to those to be selected by the assembly for representatives of the council. Now, remember again that in this second clause the power is given to increase the number of members of the league. "To increase" means, again, the same as "add to"; and here I want Senators to stop and ask themselves what the purpose of this was. The purpose of providing that only additional members of the league could have a right to representation in the council, as is well known, was that Germany and Russia might in time become members of this league and be given a permanent representation upon the council. That was its purpose, and by the very terms of the provision it excludes the present members of the league from selecting representatives to become either permanent or temporary members of the council; and that, therefore, excludes all these British dominions which are at present members of the league of nations from ever becoming members of the council unless there is an amendment made to the very constitution of the league itself.

Mr. President, it is claimed that officials of other members of the league have written letters giving a different construction. I do not know all that politicians may have said to appease their constituencies, but I do know the way this covenant reads; and I further know that the letter which was quoted to the Senate as signed by Clemenceau, Wilson, and Lloyd-George, and sent to Sir Robert Borden, premier of Canada, does not say at all what it was claimed in the arguments before the Senate it did say. It does not say that Canada, as a separate entity, can become a member of the council, although that is the claim that has been made on the floor of the Senate.

The letter from Mr. Wilson, Mr. Lloyd-George, and M. Clemenceau, dated May 6, to Sir Robert Borden, premier of Canada, reads:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that, upon the true construction of the first and second paragraphs of that article, representatives—

Not Canada nor Australia nor New Zealand but—

representatives of the self-governing Dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

Now, stop and think. There is no statement that Canada could be made a member of the council, but that the British Empire could select a representative from Canada, or she could select her representative from Australia—she could select her representative from anywhere within the confines of the British Empire—she could select Mr. Borden instead of Mr. Balfour. It is the British Empire that is represented as a whole, as an entity, in the council, and her representative can be selected as well from Canada, from Australia, from Scotland, from Wales, or from old England herself. That, Mr. President, is all that is stated in this letter. You can not construe it into anything else.

Mr. President, I have not had an opportunity to read the argument that was made by the Senator from Idaho [Mr. BORAH] yesterday. It was my intention to reply to it to-day. I have not been able to reply to it because it has not yet been printed in the RECORD, and I was absent upon other duties during the greater part of that argument. But I think I have made clear and definite the assertion that I started out to make, namely, that in any dispute between any country and any member of the British Empire no representative of either a dominion or of the home country can have a vote. Secondly, that the only thing which either the council or the assembly can decide in any dispute between nations referred to either is the question of the true facts upon which the dispute is based.

As there can be no vote by any party to the dispute, we do not need to increase our vote. As the only question upon which these dominions could vote would be upon an investigation of facts in disputes where neither they or the mother country are parties, such vote could never injure us.

As in legislative session,

Mr. WATSON obtained the floor.

INCREASED PAY OF POSTAL EMPLOYEES (S. DOC. NO. 140).

Mr. TOWNSEND. I submit the conference report on the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making appropriations therefor. I ask that the conference report and statement accompanying it be printed and lie on the table, and that the report be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making appropriations therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That because of the unusual conditions which now exist, the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, the following classes of employees shall be increased as follows for such fiscal year only:

"(a) Postmasters at offices of the third class; assistant postmasters, and clerks, including clerks at division headquarters of post-office inspectors, special clerks, finance clerks, bookkeepers, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and other employees of offices of the first and second class; letter carriers in the City Delivery Service; employees in Government-owned automobile service; supervisory officials, inspectors, railway postal clerks, including substitutes, superintendents, requisition fillers, packers, and laborers; the agent in charge, clerks and messengers at the United States Stamped Envelope Agency, Dayton, Ohio; and employees of the mail equipment shop who receive compensation at the rate per annum of—

"(1) Not less than $1,000 nor more than $1,200, to be increased $200;

"(2) More than $1,200 and not more than $1,600, to be increased $150;

"(3) More than $1,600 and not more than $2,000, to be increased $125;

"(4) More than $2,000 and not more than $2,500, to be increased $100:

"*Provided*, That no third-class postmaster shall receive more than $2,000 per annum.

"(b) Carriers in the village delivery service, and other employees paid from lump-sum appropriations, receiving compensation at the rate of less than $1,000 per annum, to be increased 20 per cent of their present compensation.

"(c) Rural letter carriers on daily routes and rural letter carriers on two triweekly routes whose routes are—

"(1) Eleven miles or less in length, to be increased $75;

"(2) Over 11 miles and under 20 miles in length, to be increased $100;

"(3) Twenty miles and under 24 miles in length, to be increased $150;

"(4) Twenty-four miles or over in length, to be increased $200;

"(d) Rural letter carriers on triweekly routes of—

"(1) Eleven miles or less in length, to be increased $37.50;

"(2) Over 11 miles and under 20 miles in length, to be increased $50;

"(3) Twenty miles and under 24 miles in length, to be increased $75;

"(4) Twenty-four miles or over in length, to be increased $100;

"(e) Postmasters at offices of the fourth class to be increased by an amount equal to 15 per cent of their present compensation.

"(f) Substitute, temporary and auxiliary clerks at first and second class post offices, and substitute, temporary and auxiliary letter carriers in the City Delivery Service shall receive after the passage of this act for the remainder of the fiscal year ending June 30, 1920, in lieu of their present compensation, a compensation of 60 cents per hour for each hour of service performed.

"SEC. 2. That the above-mentioned increases in compensation shall apply to officers and employees in the Postal Service at the time of the passage of this act, and be effective as of July 1, 1919, or as of such subsequent date when such officers or employees entered the Postal Service: *Provided*, That as to substitute, temporary and auxiliary employees, and employees paid from lump-sum appropriations, the increases shall be effective from and after the date of the passage of this act: *And provided further*, That none of the increases provided herein shall be applicable to officers and employees who have received an increase in their compensation of more than $300 per annum during the current fiscal year.

"SEC. 3. That no post office shall be advanced to the next higher class as a result of the increases in compensation of postmasters herein provided.

"SEC. 4. That in order to provide for the increased compensation herein authorized, so much as is necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for the various classes of employees herein mentioned, in the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919."

And the Senate agree to the same.

CHARLES E. TOWNSEND,
THOMAS STERLING,
J. H. BANKHEAD,
Managers on the part of the Senate.

H. STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
T. M. BELL,
Managers on the part of the House.

LEGATION BUILDINGS AT BANGKOK, SIAM.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, which was, on page 2, line 5, strike out "made" and insert "conveyed."

Mr. LODGE. I move that the Senate concur in the amendment of the House. It is only the change of a single word.

The motion was agreed to.

RAILROAD CONTROL.

Mr. CUMMINS. I ask unanimous consent out of order to introduce a bill.

The PRESIDING OFFICER. Without objection the bill will be received.

Mr. CUMMINS. Mr. President, the bill I am about to introduce is the railroad bill presented by the Committee on Interstate Commerce. I am directed by that committee to introduce the bill and ask that it be read twice and referred to the Committee on Interstate Commerce. After that is done I have another suggestion or report to make.

The bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CUMMINS. The Committee on Interstate Commerce has authorized and directed me to report favorably without amendment the bill just referred to the committee, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CUMMINS. In connection with the report that I have just made I desire to present a letter written to me by the Director General of Railroads, Mr. Walker D. Hines. The individual letter to me reads as follows:

DEAR SENATOR CUMMINS: I am sending the attached without thought of making it public, although it will be agreeable to me for you to make it public if you think it will be helpful in securing expedition.

The letter to which I refer was written on the 7th of October to Mr. ESCH, the chairman of the Committee on Interstate and Foreign Commerce of the House, and to me, as chairman of the Committee on Interstate Commerce of the Senate. If it will not unduly delay the remarks of the Senator from Indiana [Mr. WATSON], I ask that the letter be read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, October 7, 1919.

To Hon. JOHN J. ESCH, *House of Representatives,*
Hon. ALBERT B. CUMMINS, *United States Senate,*
Washington, D. C.

GENTLEMEN: I know that you are exceedingly anxious to press the railroad legislation to the earliest possible conclusion. It occurs to me that you may naturally find that there are legislators that have not followed the subject as closely as you have and who may not have an equal appreciation of the reasons why the public interest necessitates the earliest possible solution. I therefore write this letter to point out that delay in legislation will seriously impair the public service by virtually suspending improvements and the acquisition of equipment and by seriously imperiling the morale of the railroad organization.

The difficulties I point out could not be obviated by the Government remaining in control of the railroads from week to week pending adoption of the legislation, because the suspension of the improvement and equipment program and the impairment of morale could not be remedied by such a course.

Pending the passage of railroad legislation uncertainty naturally exists. Such uncertainty makes it impossible for the Government to plan or carry forward necessary additions and betterments and to acquire essential new equipment. And such uncertainty likewise makes it impossible for the railroad companies to make such preparations.

In order to keep abreast of the growth of business in this country it is indispensable that the railroads should continue to spend large sums in the acquisition of new equipment, the enlargement and unification of terminals, and the construction of additional and the enlargement of existing shops, engine houses, turntables, etc., and in the carrying forward of normal programs for the revision of grades, construction of additional main tracks, longer and more numerous passing tracks, etc.

In the year or two prior to the beginning of Federal control this work was largely arrested by the difficulties of securing materials and labor and also by the difficulty of securing new capital. During the year 1918 this work was largely restricted to things which could be promptly done and which would have a relation to winning the war, and also restricted by the scarcity of materials. The result was that comprehensive programs for developing the railroads were largely interrupted. During the calendar year 1919 there has been unavoidably an almost complete stoppage of all these matters because of the prospect of early termination of Federal control and the resulting indisposition on the part of Congress to make appropriations large enough to provide for extensive improvement programs to be carried on with Government funds under the direction of the Railroad Administration.

Hence a vast amount of work now remains to be done which the intervention of the war has necessarily delayed and accumulated, and the result is that during the year 1920 very large capital expenditures ought to be made to make up for the interruptions inevitably due to the war and to prepare the railroads to serve adequately the increased traffic throughout the country. This is particularly true as to equipment, as it seems to be reasonably certain that in the fall of 1920 there will be need for materially more freight cars than will be available if the corporations are not able promptly to make plans for the additional equipment which the Government has been without provision to acquire.

In order to make the necessary preparations for additions and betterments, including equipment, it is obvious that considerable time must be allowed for planning the improvements and for raising the money. Even the physical planning for the improvements can not be successfully made until the legislation shall be determined upon, and the improvements can not be entered upon without knowledge as to how the money can be raised to pay for them; and the raising of the money will, of course, be dependent upon the fact and character of the legislation. Even 30 days' delay in the ability to make plans means a probably much greater delay in carrying the plans into effect; and if legislation should be so delayed as to prevent the definite making of plans until well along in the spring, the probability is that the plans could not be carried out at all in time to meet the railroad traffic requirements in the latter part of the summer and fall of 1920.

What I have said above with regard to capital expenditures, of course, does not affect the situation as to maintenance work on the railroads. The Federal control act and the contracts which the Government has made with the majority of the railroad corporations imposes an obligation to return the railroads to their owners in substantially the same condition as they were in when they were taken over, and the Railroad Administration is carrying on its maintenance work on this basis.

A different and entirely distinct element of great importance is the question of morale of the railroad forces. Undoubtedly uncertainty and suspense can not improve morale, and serious prolongation of uncertainty and suspense would very greatly impair morale. So far I feel both the railroad officials and the railroad employees are withstanding in a splendid way the injurious influences of uncertainty and suspense, but I am sure that it will become more and more difficult for both officials and employees to concentrate upon the present performance of their work rather than dwell upon the future condition of the railroad business and their relation thereto. This is an inevitable manifestation of human nature which is not subject to any criticism. But it is a fact, and the sooner legislation can be completed the sooner can a favorable influence take the place of the unfavorable influence which the uncertainty is bound to breed.

While I believe that you personally are fully alive to the importance of these factors, it has occurred to me that it might be helpful to you to have my views in regard to them.

Sincerely, yours,

WALKER D. HINES.

Mr. CUMMINS. Mr. President, on the 9th day of October following the receipt of the letter just read, I replied, and I ask that the Secretary may read my reply.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OCTOBER 9, 1919.

Hon. WALKER D. HINES,
Director General of Railroads, Washington, D. C.

MY DEAR MR. HINES: I have yours of the 7th instant referring to the reasons for the speedy passage of whatever legislation is to be adopted preliminary to the return of the railroad properties to their owners. I think the letter is very timely, and while I shall not make use of it for the next few days, I will make it public at the proper time.

I have realized from the beginning that it is impossible to secure consideration for railroad legislation until the German treaty has been disposed of, but I have been hoping that our committee would be able to present a bill to the Senate not later than the disposition of the treaty, and it is now fairly certain that this will be accomplished. I believe we will be able to make a report about Thursday of next week. It is my intention to do everything in my power to bring the bill forward for consideration by the Senate the moment the Senate is free from the present involving subject, and proceed with it just as rapidly as possible.

There is a movement not yet well defined or very strong for an adjournment about November 1, but I intend to oppose it with all the influence I can command. I think substantially every member of the committee is of like mind. It has seemed to me that two full weeks of steady work ought to secure a final vote on the bill. Your letter will be very helpful in bringing about steady work upon the bill, and it is my present purpose to put it before the Senate at the time we begin consideration.

Yours, cordially,

ALBERT B. CUMMINS.

Mr. CUMMINS. Mr. President, the reasons stated by Mr. Hines, in the letter which has just been read, for a speedy disposition of this great problem are conclusive. I agree with him entirely that the Congress of the United States ought to give its consideration to it to the exclusion of every other measure that may be before Congress, for there is nothing so vital at this time as a proper, adequate solution of these great questions that are pressing upon us so severely for answer.

Mr. President, I have brought this letter to the attention of the Senate in order that every Member of the Senate may be advised that just so soon as the treaty is disposed of I shall bring forward the railroad bill, and whatever I can do, aided, I am sure, by every member of the committee, and concurred in, I am equally sure, by every Member of the Senate, I shall do to bring about a consideration of the subject until it is concluded.

I thought I ought to make these observations, because there is a feeling, and a very natural one, that we ought to get away early in November. I do not think that is possible. I believe that if the Senate were to adjourn before it has disposed of this question it would be subject to the condemnation of every right-minded man in America, for there is nothing that would be so disastrous to the commerce of America as a long delay in establishing a policy respecting the return of these vast properties to their owners.

I will only add that in addition to the verbal favorable report which I have made upon the bill, in order that it may find its place upon the calendar, I shall within a few days and before we can possibly reach a consideration of the bill, present a written report, reviewing as carefully as I can the provisions of the bill and their application to our affairs as they are now. It is quite likely that there will be a minority report which will be filed at the same time.

SUGAR SHORTAGE.

Mr. WATSON. I promised to yield to the Senator from Louisiana [Mr. GAY] for a moment.

Mr. GAY. Mr. President, a subcommittee of the Committee on Agriculture and Forestry have been holding hearings on the question of the sugar shortage. I have here a statement from a committee of Louisiana sugar producers, prepared for the Committee on Agriculture and Forestry. I ask permission that the statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM COMMITTEE OF LOUISIANA SUGAR PRODUCERS.

"During the war the Food Administration has prevailed upon all sugar producers supplying the American market to base their price upon cost of production plus a fair profit.

"Each time that the delegates of Louisiana sugar industry have appeared before the Food Commission or the Equalization

Board they have been confronted with the statement that the public demands justified no greater price for sugar than was represented by the cost of production plus the fair profit mentioned.

"One year ago, in line with this ruling of the Food Commission, we, representing the sugar producers of the State of Louisiana, appeared before the Food Commission and presented tabulated cost sheets. Working from these cost sheets, the Food Commission settled upon a price of 8.82 delivered New Orleans per hundred pounds as the price of plantation granulated sugars. After the harvest season, which was a most trying one on account of excessive and almost continuous rain, the said price was proven by the balance sheets of many sugar producers in Louisiana to have been entirely inadequate. Nevertheless, the price was set and the majority of Louisiana sugar producers thereunder made a meager profit and many registered a considerable loss.

"We are now asked the question: 'What is a fair price for Louisiana to receive this year for its sugar and what our cost sheets would indicate?' We can answer this question in what we believe will be a perfectly satisfactory manner to your committee and in just a few words.

"The Government authorities have repeatedly and continually made the statement that the Louisiana sugar crop of this year is less than 50 per cent of a normal crop; that is to say, less than 50 per cent of last year's crop. During the course of the year all costs entering into the production of sugar in Louisiana have increased. This being interpreted means that by comparison with last year, when we made a meager profit or loss, we have expended on an acre of sugar land much more than last year, and from the Government reports, with which we entirely agree, we will harvest from the said acre less than half of last year's tonnage. Therefore the natural conclusion is that a fair price for this year's Louisiana crop would be a price far in excess of the present fixed price.

"We only desire, however, such a price as will avoid disaster and one that will encourage the cane producers to continue in the business and not further curtail their output. The Louisiana sugar producer does not desire to be placed in the position of being misunderstood by the sugar consumer in the marketing of this crop. The chairman of the Equalization Board, Mr. Zabriskie, on page 67 of the hearings before the subcommittee of which Senator McNARY is chairman, has made the following statements in answer to questions of Congressman MARTIN:

"Mr. MARTIN. In testifying before the Senate committee that investigated sugar Mr. Hoover made this statement in reference to contracts: 'Supposing that we had made no agreement with him (that is, the producer), during this shortage he would probably have sold his sugar at 25 or 30 cents a pound.' Do you agree with that statement?

"Mr. ZABRISKIE. I think it would bring 25 or 30 cents a pound.

"Mr. MARTIN. Then, by virtue of that contract, the consumers saved that amount and the producers lost that amount?

"Mr. ZABRISKIE. Yes, sir.

"Mr. GLASGOW. The producers lost what they might have made.

"Mr. MARTIN. As a matter of fact, you had no trouble entering into the contracts with the producers?

"Mr. ZABRISKIE. They are all voluntary and they all lived up to their agreements.

"Mr. MARTIN. Now, you said something about the Louisiana crop; do you know how short that crop will be this year?

"Mr. ZABRISKIE. Well, our advice would indicate that they would not have more than half of what they raised a year ago.

"Mr. MARTIN. As a matter of fact, there are a great many factories there that will not turn a wheel.

"Mr. ZABRISKIE. Probably.

"Mr. MARTIN. Many will have to use this year's crop for the planting of next year's crop?

"Mr. ZABRISKIE. Yes.

"Mr. MARTIN. That being the case, even if they got 15 cents a pound, many of them will lose money.

"Mr. ZABRISKIE. I think they would, Congressman.

"Mr. MARTIN. It is a question how much they will lose. Is this short crop due to causes beyond their control, or is there any way for them to make a better crop?

"Mr. ZABRISKIE. Why, I think they exerted every effort to make a big crop.

"Mr. MARTIN. And it is due to shortage of labor and bad weather?

"Mr. ZABRISKIE. That is what out reports are.

"Mr. MARTIN. And upon a very material increase, also, in all the articles that go into the production of sugar?

"Mr. ZABRISKIE. Yes; that is true.

"Mr. MARTIN. Over last year?

"Mr. ZABRISKIE. Yes.

"This statement will unquestionably prevent the Louisiana sugar producer from being classed as a profiteer, and we believe no higher authority will be needed to safeguard us from being put in the class of profiteers, as Mr. Zabriskie has so correctly expressed the situation that prevails in Louisiana this year. Nevertheless, we realize fully that the average purchaser of sugar may not be thoroughly acquainted with these facts, and when such consumer is confronted with the situation of a sugar market in New York, say, 9 cents and a Chicago sugar market of 10 or 10½ cents and a Louisiana sugar market of a very much higher price he will be prone to believe that he is being unfairly dealt with by the sugar producer of Louisiana.

"The sugar producers of Louisiana have throughout the period of the war complied with every ruling of the Food Commission and have for patriotic reasons, like other sugar producers, sacrificed profit for the good of the Nation and have accepted a price which has netted them, we believe, for the two past seasons less than the average of a 10-year period, and this too at a time when they might have sold sugar at a price which would have made the industry secure for many decades against a period of lean years.

"Now that the war is over we are unalterably opposed to a continuation of the control of prices and the licensing system, and we believe that the untrammeled operation of the law of supply and demand should no longer be interfered with. Louisiana refuses to be put in the attitude of assuming the responsibility for either the scarcity or the high price of sugar for the approaching year, but we can not agree that the price of sugar be placed at such a figure as will mean ruin and disaster to the sugar producers of our State.

"In a spirit of fairness, and with the view of so adjusting prices and the marketing of the Louisiana crop, we have met and conferred with members of the Sugar Equalization Board, who freely admit that the Louisiana producers must sell their product at a very much increased price over last year in order to avert disaster, but take the position that without additional legislation they do not see their way clear to purchase the Cuban crop. This is a matter of which the Equalization Board is perhaps the best judge. We do not oppose the purchasing of the Cuban crop, but as the Sugar Equalization Board insist that they must have the additional power of license both for the domestic refiners and producers, we do not believe that the necessity of such purchase will justify the enactment of a law continuing for another year the power of licensing and price fixing.

"R. E. MILLING.
"E. F. DICKINSON.
"E. A. PHARR.
"J. C. LEBOURGEOIS.
"R. O. YOUNG."

PERSONAL EXPLANATION—FEDERAL TRADE COMMISSION.

Mr. WATSON. Mr. President, I have refrained up to this time from obtruding myself upon the deliberations of the Senate this afternoon to make a personal explanation, because I did not care to interfere with the orderly discussion of the Johnson amendment, and I do so now only because of the fact that it arises out of a question which I have hitherto presented to the Senate.

I had not intended to make any observations whatever respecting this question until the Committee to Audit and Control the Contingent Expenses of the Senate had reported upon the resolution, but yesterday the Federal Trade Commission issued a statement, going out under the name of the Federal Trade Commission as such, and therefore official in character. I shall not read all of the statement, but only those portions of it which have reference to me. The first charge—and I call it a charge—is this:

The bona fide of these charges is open to question when it is remembered that Senator WATSON was a lobbyist in 1909, as was shown in the report of the House of Representatives committee December 9, 1913, entitled "Charges against Members of the House and lobby activities," Sixty-second Congress, second session, Report 113.

Mr. President, this is a personal, direct charge against me. It has nothing whatever to do with the question at issue. It is entirely outside of problems legitimately to be discussed in the Senate or involved in the resolution. But, inasmuch as the charge has been made, and inasmuch as it is against me as an individual, now a Member of the Senate, I feel that I owe it to myself to say that this charge is 10 years old; that over and over again the charge was made against me in the State of Indiana, published in every newspaper, discussed by orators and speakers on both sides of the political controversies in my State; that when I ran for Senator it was everywhere debated and everywhere discussed, and the result of it all was a triumphant election to the Senate of the United States. This is old straw thrashed over until it is dust, and I would pay no attention to it here except to throw back into the teeth of the men who made it the answer of my people in the State of Indiana.

Mr. President, two committees were appointed, one in the Senate and one in the House, to discuss and deliberate upon those charges. To those deliberations I shall not refer, save to say that after weeks of hearings by the committee in the Senate they thought so little of the man that made the charges and so little of the charges that he made that the committee never even reported to the Senate. Over on the House side they did report,

and they exonerated me, save to say that it was doubtful whether anyone who had had the influence that I had in the House of Representatives should afterwards use that influence for the purpose of obtaining fees even in a good cause; and that was the sum and the substance of their findings against me.

As I have said, this is old in my part of the country; old, in fact, in the country everywhere. Mr. President, these charges were made by Mulhall, who afterwards died in a poorhouse in the city of Chicago, unattended and alone, with none so poor as to do him reverence; Mulhall, who lies to-day buried in the potter's field, unknown, unhonored, and unsung; and while he lay in that hospital, desolate and unattended, a man who had done so much to traduce and vilify me, and all without cause, at that very time the people of Indiana were giving their answer to his charges by electing me to the Senate of the United States. That is my vindication from that charge, and upon that I am content to rest.

The other proposition is this:

His relations—

That is, my relations—

with the Chicago packers are shown by certain correspondence which is here quoted.

Then it quotes from a telegram sent to John C. Eversman, 808 Riggs Building, Washington, D. C. I call attention to this telegram:

FEBRUARY 1, 1918.

Test vote before Senate Interstate Commerce Committee 2 o'clock to-day regarding Interstate Commerce Commission retaining jurisdiction over rate matters. It is of the highest importance to see Senator WATSON, who is on this committee, urging retention of such authority by the commission. Please see him before committee meets.

(Signed) E. P. SKIPWORTH.

He represented, as I am told, the Wilson Packing Co.

Senators, Mr. Eversman called to see me in accordance with the instruction here given, and talked to me about the situation before my committee, which I explained to him. He asked me about my position with reference to this, and I told him I was diametrically opposed to the views which the Wilson people took. Subsequently I voted, and if anyone cares enough to investigate the record vote in my committee he will find that I voted to take the rate-making power away from the Interstate Commerce Commission and vest it in the President. Then, afterwards, when I made a speech in this Chamber on the 18th day of February, 1918, I took very advanced ground, in as vigorous language as I could form and in as strong argument as I could fashion, diametrically opposite to what the Wilson people or the other packers wanted, so far as I have information.

And yet the commission says:

His relations with the Chicago packers are shown by certain correspondence which is here quoted.

That is what they say of my relationship to the packers when I voted diametrically opposite to the thing they wanted done and to the very request they had made at the time; and that is the thing the Federal Trade Commission, as an official body, charges establishes my relations with the packers of Chicago.

Senators, I do not believe, after a Senator in honest fashion and in good faith makes charges like those made by me in the Senate of the United States, that he ought to be hounded by anybody for those charges made on his responsibility as a Senator. I did not charge that the Federal Trade Commission was guilty of anything. They say "the charges made against the Federal Trade Commission by Senator WATSON." Senators will bear in mind and will remember that I made no charge against the Federal Trade Commission. They will remember that I stated specifically, if they remember it at all, that the members of the Federal Trade Commission and the great body of their employees were not either anarchists or socialists, and that the terms I applied to those I specifically named applied to them alone of all the men in their employment. I specifically picked out the men whose names I gave, in order that all the employees of the Federal Trade Commission might not rest under this imputation, and yet because I was specific I am to be charged now with something years old and with something that has no relation whatever to the question at issue.

How much better it would have been if the commission had said, "We challenge Senator WATSON to prove his assertions. If his assertions be true, these men are not fit to be employed by the Federal Trade Commission." Why did they not proceed in that fashion instead of trying to obscure the issue by charging me with things that have no foundation in fact and which constitute no basis of argument against the charge I have made or any answer to the protestations I have uttered?

Senators, that is all there is to this proposition. The true vindication of the Federal Trade Commission will be obtained in the trial of these charges. If the charges I have made be true, no amount of mud slinging will override their truthfulness. If the charges I have made be false, then anything they say about me personally can have no possible bearing on the issue involved. Therefore, as a Senator standing on this floor asserting my rights, all I ask is fair treatment and fair dealing by the Federal Trade Commission, which I have the right to demand, and by my fellow Senators, who some day may be placed in the same position in which I have voluntarily placed myself.

I may say that I knew that I would be thus charged. I even said to my secretary before I made the speech last Monday, "Now, listen to them howl about Mulhall." I knew somebody would do it, but that did not deter me. I believed that these people ought to be pointed out; I believed that this evil ought to be eradicated; I believed that if there are socialists and anarchists and "reds" in the public service the people ought to know it, and that we ought to use all the power at our command for the purpose of ousting them from office.

Mr. TOWNSEND. Mr. President, does the Senator from Indiana recall how many Senators and prominent Members of the other House escaped Mulhall's condemnation in that investigation? My recollection is that the then Speaker of the House of Representatives, Mr. CLARK of Missouri, and many other Members of that House and many Members of the Senate were mentioned in certain letters which were put in evidence at that time as being connected with lobbying activities, all of which was disproved.

Mr. WATSON. Yes. He had the habit of writing letters, running into the thousands, in which he gave alleged conversations with Senators and Representatives that had never occurred; and the Senators and Representatives went on the stand and testified that they had never met him, had never seen the man. That was his way of showing his diligence to his employers and of standing in with those who sent him here. I do not care to discuss him; he is dead; he has gone to his reward. It is not for me to say where he has gone, although I have a just suspicion. [Laughter.]

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. WATSON. I yield.

Mr. GRONNA. Mr. President, I think it is generally known that on the floor of this body and when I was a Member of the other House I have on various occasions taken the opportunity of criticizing the industry to which the Senator from Indiana refers, that of the packers.

I now desire to say to the Senator from Indiana and to the other Members of this body that for more than a month during the last session of Congress and for more than a month during the present session the Committee on Agriculture and Forestry, of which I happen to have the honor of being chairman, have examined and considered documents which have been taken from the files of the packers, and nowhere can it be shown and at no time has it been charged that the Senator from Indiana has done anything to favor the packers or which in any way could reflect upon him.

I simply desire to make this statement because I think the statement made as appearing in the newspapers is unfair to the Senator from Indiana.

Mr. WATSON. Mr. President, I am very grateful to the Senator from North Dakota for his very just remark. As I have stated here, I never had any relations with the packers—I do not know them, never met one of them, and, of course, never had anything to do with any of them personally or politically. The only charge I made was that certain employees of the Federal Trade Commission were guilty of socialistic activities; and there is no use to throw mud, there is no use to fill the air with dust on a proposition of that kind. The question is, Is it true? And the only way to determine its truth is to investigate it. If it be true, anything that they may say against me can not injure the case or help those who may be convicted; if it be not true, then there is no use to throw mud, because the result will be the vindication of these men and of the Federal Trade Commission, which has employed them.

Senators, with me the question of socialism has been a lifelong study. I have perhaps made more speeches against socialism than any other man of my age who has not regularly been in the Chautauqua business in this country, and even on the Chautauqua platform over and over again I have inveighed in the most vigorous fashion against socialism and the socialistic tendencies of the time. At this particular juncture, when we are threatened with a coal strike, when, in fact, we are

threatened with a universal strike of all labor, when off yonder in the distance, like a great, ominous cloud hovers the threat of a railroad strike, and when there is actually in progress a steel strike, it occurred to me that now is the time to sort out the socialist from the man who believes in American citizenship, in constitutional government, and in dealing with the great problems that confront and perplex us as a people in a sane and sober fashion. My firm belief is that the great body of American labor everywhere, wheresoever employed, is absolutely honest and absolutely patriotic; but there is the walking delegate, there is the socialist, there is the anarchist, there is the Bolshevist, there is the man who would overturn all of these institutions, built up at such great sacrifice, and convert this Government into a Russian soviet. Against that I direct my face, and I intend to continue in that course so long as I remain in this body.

I have no other ambition except to serve as a Senator of and for my people, and while I am a Member here I propose to hit socialism and anarchy whenever and wherever these hydra-headed monsters raise themselves, and no mud slinging can deter me from that course.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, October 24, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 23, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near to us, Almighty God our Heavenly Father, as we thus pursue the journey of life through another day. Quicken our perceptions, broaden our views, uphold, sustain and guide us in all the duties Thou hast laid upon us, that we may prove ourselves worthy of such preferment. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

HAZING IN THE NAVAL ACADEMY.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to publish in the RECORD the reply made by the Secretary of the Navy and the Superintendent of the Naval Academy to House resolution 326, introduced by my colleague from Pennsylvania, Mr. KELLY. Inasmuch as this information will be useful to many Members who have made similar inquiries, I make this request. I have consulted with my colleague, Mr. KELLY, and he is satisfied.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to publish in the RECORD the response of the Secretary of the Navy and the Superintendent of the Naval Academy to House resolution 326, as stated. Is there objection?

There was no objection.

The response is as follows:

THE SECRETARY OF THE NAVY,
Washington, October 17, 1919.

Hon. T. S. BUTLER,
Chairman House Naval Affairs Committee,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to your letter inclosing resolution introduced by Representative KELLY of Pennsylvania, H. R. 326, the matter was brought to the attention of Admiral Scales, superintendent of the academy, and I am inclosing you herewith his letter and accompanying documents requested in said resolution.

Sincerely, yours, JOSEPHUS DANIELS.

—

IN THE HOUSE OF REPRESENTATIVES,
October 8, 1919.

Resolved, That the Secretary of the Navy be directed to furnish to the House the following information:

(1) Whether or not published accounts of the recent attempted suicide of two midshipmen in attendance at the United States Naval Academy at Annapolis are true, and if true, complete details in connection therewith.

(2) The extent of "hazing" in the Naval Academy, and the practices pursued in such hazing.

(3) The number of midshipmen who have resigned from the Academy during the past year and the reason therefor.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., October 16, 1919.

MY DEAR MR. SECRETARY: Replying to your letter of the 10th of October, inclosing one from Representative M. CLYDE KELLY of Pennsylvania, I have to inform you as follows:

1. Midshipman Philip H. Seltzer, of Pennsylvania, attempted to commit suicide on Sunday, the 5th of October. He cut himself with a pocket knife and drank a quantity of ink. The Permanent Medical Examining Board states that he was suffering from phychosis, manic, depressive, and that the underlying neuropathy existed prior to entrance to the Naval Academy. Midshipman Seltzer has stated explicitly that his act was not due in any manner to hazing or running. A copy of his statements is attached hereto.

Midshipman Henry Clay Wetherstine drank a small quantity of iodine on Tuesday, October 7. It is not believed that this was a bona fide attempt upon his life, and there is lack of anything to base the belief that it was due to any ill treatment of any kind. He has made the explicit statement that it was not due to hazing or running. A copy of his statement is also attached. These are the only two reported attempts on the part of midshipmen to attempt suicide.

2. Since the occurrences noted above, every effort possible has been made to ascertain the extent of hazing practices at the academy. Several letters have been received which have alleged that hazing practices existed. Not in one of these cases has anything been advanced in the nature of a clue to assist the superintendent in determining the true state of affairs. No one has given any names, any dates, any facts, or stated any definite form that this alleged hazing has taken. The superintendent has examined closely into every complaint, no matter how indefinite, and has found not one bit of evidence to show that hazing exists at the Naval Academy. He has from the admissions of Midshipmen Seltzer and Wetherstine been led to believe that a mild form of running does exist, but neither Seltzer nor Wetherstine nor anyone else will disclose a single name, date, or definite fact. The superintendent reiterates his absolute disapproval of and aversion to any form of hazing or running, no matter how mild, and again states that he has used and will use every possible means to bring any offender to punishment.

3. The answer as to the number of resignations during the past year and the reasons therefor is appended. The reasons given in the appendix are those stated on the face of the resignation, which are believed to be in no sense exhaustive, but to state the writer's general state of mind. It is believed that the reasons may be summed up as follows: First, the signing of the armistice took away the incentive to remain in the naval service, as the necessity for them to do their part in the war ceased with the armistice; second, after a short trial many midshipmen realize that they are not suited to a naval career and very sensibly wish to resign; third, many find the course of study, the drills, the athletics, and the necessary discipline harder than they expected and not suited to their inclinations; fourth, the fact that the papers have so widely advertised of late the high cost of living and the difficulty a naval officer has to live upon his pay, creates a spirit of unrest among the midshipmen, and leads them to ask why they should undergo a four-year course of strenuous training to gain in the end a position with not enough pay to meet their necessities; fifth, for some unknown reason a rumor has lately persisted among the midshipmen that Congress intended to pass an act which would require them to remain in the service for at least 20 years after graduation; sixth, stories that many naval officers have desired to resign and could not do so have affected some midshipmen with a desire to leave the Naval Academy before graduation; seventh, there is a spirit of unrest at the Naval Academy with no adequate underlying foundation, just as there is in the rest of the country, and the "release fever," which swept over both the Army and Navy immediately after the close of the war, has had a marked effect upon the regiment of midshipmen.

Very respectfully,

A. H. SCALES.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy,
Navy Department, Washington, D. C.

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UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 7, 1919.

From: Midshipman Philip H. Seltzer, fourth class.
To: Commandant of midshipmen.
Via: Commanding officer and superintendent, United States Naval Academy.
Subject: Statement requested.

1. In compliance with verbal orders, I hereby submit the statement requested concerning the act which I committed on the afternoon of October 5, 1919.

2. At about 4.30 p. m. on the afternoon of October 5, 1919, I attempted to end my life while in my room, aided with a jackknife, ink, and a small bottle of iodine.

3. When I came in I did not like the service very much. However, I got along all right in drills until about one week ago, when the upper classmen came back. After that I was pretty far behind in every drill, and I just couldn't keep up with my work. I then began brooding over my grades in class, and this led to discouragement and worry. I was hazed a little.

4. As soon as the academic year begun our rooms were changed. Although my roommate was a pretty nice sort of a chap, whom I liked, I still was troubled, worried, and despondent, for the reason that I feared I would bilge, and did not have the courage to face the criticism of my people back home if I were dismissed.

P. H. SELTZER.

[1st indorsement.]

UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 7, 1919.

To: Commandant of midshipmen.
Via: Superintendent.
1. Forwarded.

JAMES G. FIELD.

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UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 8, 1919.

From: Midshipman Philip H. Seltzer, fourth class.
To: Commandant of Midshipmen, via aide to commandant.
Subject: Additional statement re attempted suicide.

1. As I said in my former statement, I was behind in everything and was worried and discouraged, and was anxious to get out because I was behind in everything, studies and drills.

2. In regard to hazing, it added a little, but if it had not been for the worry about studies, the little hazing would not have caused me to do it. This hazing was not real hazing but just running. Some upper classmen came into my room and made me stand attention. I always did this before they made me. They asked me questions such as "Where are you from?" "What is your name?" "How old are you?" etc., but none that I didn't want to answer. It wasn't really hazing.

3. I don't know the names of the upper classmen, but I might know some of them by sight.

(Signed) P. H. SELTZER.

UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 9, 1919.

From: Midshipman H. C. Wetherstine, fourth class, United States Navy.
To: Commandant of Midshipmen, via aide to commandant.
Subject: Statement in regard to attempted suicide.

1. I drank the iodine hurriedly and without thinking, on the impulse of the moment. I didn't stop to pour it out, but just grabbed the bottle and drank it.

2. I didn't want to come to the Academy, and my mother didn't want me to come, but my father did. I didn't like it from the beginning, but stayed through the summer, not to disappoint my father and to give it a test. When the academic year opened I got behind in studies and didn't like the atmosphere of the whole place.

3. I was not subjected to any hazing. I was run, like the rest and no more than others of my class, such as standing at attention, doing stoop falling, answering questions, etc. It wasn't the running, it was just that I couldn't stand the whole place. I could never get along here, and that made it hard. I asked my father to let me resign, and he didn't want me to. I thought I could never get along here, and that made it hard, and I wanted to get out. I don't blame it on any running or hazing or any particular thing.

4. There was no immediate reason or particular thing which caused me to drink it. Nothing unusual had happened just before it. I had just got back from drill and was discouraged and depressed. I don't know what made me do it.

(Signed) HENRY CLAY WETHERSTINE.

Number of resignations from Oct. 1, 1918, to and including Oct. 16, 1919 (including acceptances pending on last mentioned date).

RECAPITULATION.

	Voluntary.				Physically disqualified.				Deficient in studies.				Recommended for dismissal but resignation accepted in lieu thereof; or required to resign for some reason other than the foregoing; or resignation accepted "for the good of the service."				Total.
Classes	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	
October, 1918	1		1	9				4									15
November, 1918				12													12
December, 1918	1		3	19				4					1				28
January, 1919	1			9													10
February, 1919			3	7					1		4	35	1				51
March, 1919			2	4							1						7
April, 1919	1		3	5								2					11
May, 1919	1		5	10					1		9	19	1				46
June, 1919				1	6			10			8	4					29
July, 1919			1	2		1	1										5
August, 1919	1	1	6	6	1		1										16
September, 1919		1	10	2													13
October, 1919		[1]2	[2]15	[3]9			[4]1										27
Total	6	4	49	95	7	1	3	18	2		22	60	3				270

[1] Second class, 1 acceptance pending. [2] Third class, 5 acceptances pending. [3] Fourth class, 4 acceptances pending. [4] Acceptance pending.

First class	18
Second class	5
Third class	74
Fourth class	173
Grand total	270

Resignations—Reasons.

FIRST CLASS.

Number.
3 Physically disqualified, required to resign upon graduation.
4 Physically disqualified, required to resign.
5 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course, or because he desired to begin or resume college studies, or to enter Army for more active service.)
1 Recommended to be dismissed, but resignation was accepted.
2 Required to resign; deficient in studies.
2 Recommended to be dismissed, but resignation was accepted for the "good of the service."
1 Voluntary; dissatisfied.

Total 18

SECOND CLASS.

1 Physically disqualified; required to resign.
1 Voluntary; physically disqualified; requested permission to resign.
1 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course, or because he desired to begin or resume college studies, or to enter Army for more active service.)
1 Voluntary; dissatisfied; father wanted him to enter business with him.
1 Voluntary; dislike for service; submitted statement that resignation is not due to "discipline, new régime, or morals of the regiment." (Acceptance pending.)

Total 5

THIRD CLASS.

1 Voluntary; "dissatisfied with life at academy * * *; dissatisfaction is not result of any disagreeable treatment at academy, for as a fourth classman * * * I was not hazed or run."
3 Required to resign; physically disqualified. (Acceptance of one pending.)
22 Required to resign; deficient in studies.
27 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course or because he desired to begin or resume college studies or to enter Army for more active service.)
1 Voluntary; unsatisfactory in studies.
1 Voluntary; unsatisfactory in studies and "the fact that he is addicted to certain habits which affect his mental and physical condition."
1 Voluntary; stated he had been discriminated against in the assignment of marks and studies; after careful consideration it was found no discrimination had been shown.
4 Voluntary; physical disability.
1 Voluntary; resigned on account of having been turned back.
3 Voluntary; support needed at home.
1 Voluntary; sought appointment against parents' wishes, who later requested him to resign.
1 Voluntary; financial prospects not sufficient to justify continuance as assistance needed at home.
1 Voluntary; desired to attend college near home on account of mother's physical condition.
1 Voluntary; incapable of continuing.
1 Voluntary; inherited business requires personal attention.
2 Voluntary; no reason given, but separate statement submitted indicates resignation is not due to hazing, food conditions, or internal disturbances in the regiment. (Two acceptances pending.)
1 Voluntary; states resignation is due to father's desire that he leave the service. Further states resignation is not due to "discipline, morals, or customs of the regiment." (Acceptance pending.)
2 Voluntary; dislike for service. State resignation not due to hazing or because of any recent occurrences at the Naval Academy. (Acceptances pending.)

Total 74

FOURTH CLASS.

60 Required to resign; deficient in studies.
2 Voluntary; desired to pursue another profession.
1 Voluntary; unsatisfactory in studies and discontented.

Number.	
44	Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to physical condition, or on account of his inability to cope with the course, or because he desired to begin or resume college studies or to enter Army for more active service.)
18	Required to resign; physically disqualified.
16	Voluntary; unsatisfactory in studies or considered incapable of continuing.
5	Voluntary; services needed at home.
12	Voluntary; physical disability.
1	Voluntary; tendered resignation because he had been turned back (turned back for hazing); resignation accepted for "good of service."
1	Voluntary; considered himself "temperamentally unsuited" for the service.
1	Voluntary; but reasons not known.
1	Voluntary; parents requested him to resign; had entered against their wishes.
1	Voluntary; no reason given, but submitted separate statement in which he states resignation is not due to hazing, food conditions, or internal disturbances. (Acceptance pending.)
1	Voluntary; resigned because he was not advanced to third class.
4	Voluntary; dissatisfaction or dislike for service. (Embracing those cases where the midshipmen concerned submitted statements to the effect that their resignations were in no way due to hazing or running or to strict discipline or food conditions.) (Two acceptances pending.)
1	Voluntary; does not like service; entered at parents' request.
2	Voluntary; "dissatisfied."
1	Voluntary; had used unfair means on entrance examinations.
1	Voluntary; unable to keep up with "rigidness and exactness of N. A."; but resignation not due to hazing, running, or immoral treatment. (Acceptance pending.)
Total--- 173	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2890. An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes; and

S. 3037. An act to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 9782) to regulate further the entry of aliens into the United States, in which the concurrence of the House of Representatives was requested.

TITLE TO MINERAL LANDS IN UTAH.

Mr. WELLING. Mr. Speaker, I ask unanimous consent to print in the RECORD, without reading, a joint memorial from the Legislature of the State of Utah, passed at a special session last week, respecting the question of title to mineral lands granted to the State under the enabling act approved July 16, 1894.

The SPEAKER. The gentleman from Utah asks unanimous consent to print in the RECORD certain resolutions passed by the Legislature of the State of Utah. Is there objection?

There was no objection.

The memorial referred to is as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

This is to certify that the document hereto attached is a true copy of senate joint memorial No. 1, passed by the Legislature of the State of Utah at a special session convened on the 29th day of September and adjourned on the 6th day of October, 1919, petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and for other purposes, as the same now appears of record in said office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City, in said State, this 17th day of October, 1919.

[SEAL.]

HARDEN BENNION,
Secretary of State.
By JERROLD R. LETCHER,
Deputy.

Senate joint memorial 1.

Petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States."

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and the Legislature of the State of Utah, respectfully represent that:

Whereas the United States, by section 6 of an act approved July 16, 1894, entitled "An act to enable the people of Utah to form a constitution and State government and be admitted into the Union on an equal footing with the original States," granted to the State of Utah for the support of common schools certain sections of every township in said State, to wit, sections 2, 16, 32, and 36, and provided for lands in lieu thereof where said named sections or any part thereof in any township were unavailable; and

Whereas in said same act it was provided that certain public lands were to be granted to the State upon its admission into the Union for the purpose of constructing public buildings and for the university and agricultural college, and for the purpose of building permanent water reservoirs for irrigating purposes, and for the establishment and maintenance of an insane asylum, and for the establishment and maintenance of a school of mines, and for the establishment and maintenance of a deaf and dumb asylum, and for the establishment and maintenance of a reform school, and for the establishment of a State normal school, and for the establishment and maintenance of an institution for the blind, and for a miners' hospital for disabled miners; and

Whereas the State of Utah has sold and disposed of large parts of said lands so granted by the United States under the impression and with the understanding that it had full title thereto regardless of whether said lands were mineral or otherwise; and

Whereas said grantees purchased said lands under the impression and understanding that the title in said lands was in the State; and

Whereas it was the understanding and impression of the executive officers dealing with said lands, and of the State of Utah, that said lands were granted by said enabling act to the State of Utah with all mineral rights included; and

Whereas the Supreme Court of the United States, in the case of the United States against Sweet, administrator of Sweet, has held that the school section granted, contained in the enabling act and known as section 6 of said act, was not intended to embrace the land known to be valuable for coal, and has further held that lands known to be mineral at the time of the taking effect of said grant were reserved to the United States; and

Whereas said decision has worked a hardship on those purchasers who purchased school lands under the impression and with the understanding that they obtained full title from the State; and

Whereas the State of Utah is unable to determine in any case just what lands were known to be mineral at the time of the taking effect of said grant, and is thus unable to determine just what lands the State of Utah has title to and what it has not title to, and is unable to assure purchasers or prospective purchasers as to the title to such lands; and

Whereas lands which are now found to contain minerals or thought to be mineral lands upon investigation by the Department of the Interior, and which were included in the sections conveyed by the United States to the State of Utah and sold by the State of Utah to purchasers for the purposes designated in the enabling act, are being disposed of or attempted to be disposed of by the Department of the Interior as property of the United States; and

Whereas in each case where said attempted disposition is made by the United States a contest between the State and the United States, or between a purchaser of the United States and the State, or between a purchaser of the State and the United States, is entailed; and

Whereas there have been a great many of such contests, and under the present state of affairs a likelihood of many more contests of like nature will take place, leading to the unsettlement of titles and supposed rights, and will tend to confusion; and

Whereas the State of Utah is unable to determine in many cases just exactly what land it owns, and therefore what it may sell, to the great detriment of the common-school funds and the purposes for which said lands were granted; and

Whereas it is deemed that said state of affairs should be remedied by proper legislation of Congress: Now, therefore

The governor and the Legislature of the State of Utah respectfully petition that necessary legislation be enacted by the Congress of the United States whereby it may be determined what sections granted by the enabling act to the State of Utah for the purposes therein mentioned belong to the State of Utah, and that some certain and workable method be instituted for determining without contest in each particular case what lands sold by the State to purchasers really belong to the said purchasers or belong to the United States.

Passed October 4, 1919.
Approved October 8, 1919.

EXTENSION OF REMARKS—LEAGUE OF NATIONS.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE—TAGUE AGAINST FITZGERALD.

The SPEAKER. The Chair recognizes the gentleman from Maine [Mr. GOODALL].

Mr. WALSH. Mr. Speaker, this is an important matter, involving some of the highest privileges of the House, and I think there ought to be a larger attendance here to hear the discussion. Therefore I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fuller, Mass.	Lee, Ga.	Rouse
Andrews, Md.	Gandy	Little	Rowan
Anthony	Ganly	McClintic	Sabath
Barkley	Garner	McCulloch	Saunders, Va.
Bell	Garrett	McKinley	Schall
Benson	Godwin, N. C.	McKinley	Scully
Boies	Goldfogle	McLane	Sells
Booher	Goodwin, Ark.	McLaughlin, Nebr.	Siegel
Brand	Goodykoontz	Maher	Sinclair
Britten	Gould	Mann, Ill.	Sisson
Brumbaugh	Graham, Pa.	Moon	Smith, Ill.
Burdick	Graham, Ill.	Moore, Pa.	Smith, N. Y.
Burke	Greene, Vt.	Moores, Ind.	Smithwick
Campbell, Kans.	Hamill	Mott	Snyder
Cantrill	Haskell	Mudd	Steele
Carew	Heflin	Newton, Mo.	Steenerson
Clark, Fla.	Hersman	Nicholls, S. C.	Stephens, Miss.
Copley	Hicks	Nichols, Mich.	Stevenson
Costello	Hill	Nolan	Sullivan
Cramton	Howard	O'Connor	Sumners, Tex.
Cullen	Hulings	Ogden	Swope
Davis, Minn.	Ireland	Parker	Taylor, Ark.
Dempsey	Jefferis	Pell	Taylor, Tenn.
Dent	Johnson, Ky.	Peters	Thomas
Donovan	Johnson, Miss.	Phelan	Tincher
Dooling	Johnson, S. Dak.	Porter	Upshaw
Drane	Johnston, N. Y.	Pou	Vare
Eagan	Kahn	Rainey, Henry T.	Vinson
Eagle	Kelley, Mich.	Rainey, John W.	Wheeler
Ellsworth	Kendall	Randall, Calif.	Wingo
Emerson	Kennedy, Iowa	Reed, N. Y.	Wise
Ferris	Kiess	Riddick	Woodyard
Fess	Kincheloe	Riordan	Zihlman
Fields	Kreider	Robinson, N. C.	
Fordney	LaGuardia	Robsion, Ky.	
Frear	Langley	Rodenberg	

The SPEAKER. Two hundred and ninety Members have answered to their names, a quorum.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. GOODALL. Mr. Speaker, by direction of the Committee on Elections No. 2, I call up the contested-election case of Tague versus Fitzgerald, and pending that I desire to make an arrangement upon time for debate. I ask unanimous consent that debate be confined in time to four hours and a half, that the chairman of the committee have control of 1 hour and 45 minutes of that time, that the gentleman from Georgia [Mr. OVERSTREET] have control of 2 hours, and the gentleman from Massachusetts [Mr. LUCE] have control of 45 minutes; that at the conclusion of debate the previous question shall be considered as ordered on the resolution of the committee and two substitutes, one to be offered by the gentleman from Georgia [Mr. OVERSTREET] and one by the gentleman from Massachusetts [Mr. LUCE]; and that the chairman of the committee be permitted to yield time to the contestant.

The SPEAKER. The gentleman from Maine, chairman of the Committee on Elections No. 2, calls up the contested-election case of Tague versus Fitzgerald, and asks unanimous consent that there be four hours and a half of debate, one hour and three-quarters of that time to be controlled by himself, 2 hours by the gentleman from Georgia [Mr. OVERSTREET], 45 minutes by the gentleman from Massachusetts [Mr. LUCE]; that at the end of that time the previous question shall be considered as ordered on the resolution of the committee and on one substitute to be offered by the gentleman from Georgia [Mr. OVERSTREET] and one to be offered by the gentleman from Massachusetts [Mr. LUCE]; and further, that the chairman of the committee shall be permitted to yield time to the contestant. Is there objection?

There was no objection.

Mr. GOODALL. Mr. Speaker, your committee has held many meetings and carefully studied the voluminous testimony taken in Boston before notaries public given by sworn witnesses in the contested-election case of Tague against Fitzgerald. This testimony gave overwhelming evidence of the illegal registration of voters in ward 5 in Boston, particularly in precincts 4, 8, and 9. The contestee introduced no evidence to refute these charges. It is the opinion of seven out of nine of the committee that in order to punish the perpetrators of this fraud that the contestee, Mr. Fitzgerald, should be unseated. The gentleman from Massachusetts [Mr. LUCE] agrees with the majority of your committee as to the fact that there was a wholesale illegal registration in that ward, but does not agree as to the proper remedy. The other six of your committee are of the opinion that on acccount of this illegal registration in these precincts the entire vote of precincts 4, 8, and 9 of ward 5 should be thrown out, for which action there are innumerable precedents in the reports of contested congressional election cases. The gentleman from Massachusetts [Mr. LUCE] favors a new election. This, in the opinion of the majority of your committee, would be very unfair and unjust to the contestant, inasmuch as the principal fraud and illegal registration claimed existed primarily in these three precincts, and so far as the evidence shows, the vote of the remainder of the congressional district remained apparently pure. Provided, however, that there should be a new election, it is but fair to presume that Mr. Martin Lomasney, the so-called political boss of ward 5 in Boston, would pursue his usual illegal practices, which have admittedly been in vogue for 20 or more years; in fact, he has been at this game for so long that it has practically become a habit. "A leopard can not change his spots." The minority views claim that the contestant, Mr. Tague, does not come into court with clean hands, inasmuch as he was formerly elected to Congress under these illegal practices, and so received the benefit of them. I contend that he did not receive any benefit from these illegal practices in his prior election, for if all of the ballots in ward 5 had been thrown out, he would still have had a plurality of about 2,000. In the present case the ballots cast in ward 5, on the face of the returns, showed that the contestee, Mr. Fitzgerald, was elected by a plurality of less than the ballots of these three precincts, and consequently he benefited by this illegal registration. Therefore the two cases are not parallel.

It is the opinion of the majority of your committee that the contestee, Mr. Fitzgerald, be unseated, and that the contestant, Mr. Tague, be seated, thus teaching Mr. Lomasney and his willing tools, while they have been able to put this fraud over the people of Boston for a good many years, that they can not ride Congress in the same manner. [Applause.]

Mr. Speaker, I wish to reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker——

Mr. GALLIVAN. May I ask how much time the gentleman used?

The SPEAKER. Five minutes. The gentleman from Georgia is recognized for two hours.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. A moment ago when I was discussing this matter as to its disposal with the chairman of the committee I understood that Mr. LEHLBACH was to follow.

Mr. LEHLBACH. Mr. Speaker, I make the point of order the gentleman has not the floor.

Mr. GALLIVAN. He is making a parliamentary inquiry.

Mr. LEHLBACH. That is not a parliamentary inquiry.

Mr. GALLIVAN. That is for the Chair to decide.

Mr. FITZGERALD. Mr. Speaker, I wanted the House to understand there was some misunderstanding. And I think the gentleman from New Jersey should be courteous enough to this side of the House to permit my statement to be made in all honor.

Mr. OVERSTREET. Mr. Speaker, in an ejectment suit at common law the plaintiff must recover on the strength of his own title and not upon the weakness of defendant's title. The contestant, Mr. Peter F. Tague, has attacked the title to the office now held by the contestee, Mr. Fitzgerald, and the law of the land and the precedents adopted by Congress cast upon Mr. Tague the burden of proving the charges he has made in order for you to unseat the contestee.

Mr. Speaker, I confess I went into the investigation of this case with my mind inclined toward the side of the genial and affable gentleman, the contestant. We are all human beings, and none of us are perfect. I had heard the story from one Member and another of how the contestant had been defrauded

in the election, and unconsciously my mind had become inclined toward contestant's side of the case before I had ever read the record or given it any study. I repeat that when I undertook to investigate the merits of this controversy I was just a little bit prejudiced against the contestee, because no one had spoken to me about his side of the question, and unconsciously I found myself leaning against him. Possibly some of you gentlemen can appreciate my position. You have served with Mr. Tague in this House for the past four years. You have learned to like him, as he has a cordial handshake and a pleasant smile for everyone, and I know you must have been impressed with the story you heard concerning the wrongs he suffered at the hands of Mr. Fitzgerald and Martin Lomasney, the alleged political boss of ward 5 in the city of Boston. I shall ask you to lay aside any bias or prejudice that may be resting on your minds either for or against the parties so deeply interested in the result of this contest, and follow me while I undertake to show you how I reached the conclusions set forth in the minority views filed by myself and Mr. JOHNSTON of New York. When you are called upon to pass on the title of the office of one of your fellow Members you are asked to discharge a very sacred and solemn duty. You should approach the trial of this case with the same feeling of responsibility that an impartial jury entertains when it is empaneled to decide questions submitted to it for its consideration.

I have no personal interest in the case. I am a member of the Committee on Elections to which the contest was referred, and I am simply trying to discharge my duty as a member by giving to you the reasons that impelled me to dissent from the majority report.

A number of charges are made by contestant, but the committee found no evidence to sustain the charges of bribery, coercion, and intimidation. The majority of the committee, however, were of the opinion that fraud existed to such an extent in ward 5 that they were authorized to throw out the three election precincts in that ward, which would give the election to Mr. Tague. I dissented from this view, and before I shall conclude my argument I shall endeavor to convince you that my position is correct.

Mr. Tague stated before the committee and also in his brief that there were several hundred ballots cast for him with stickers thereon without a cross, and if these ballots were counted for him there would be more than enough of such ballots to overcome contestee's plurality. Under the laws of the State of Massachusetts a vote for a candidate can not be counted unless the voter makes a cross mark on the ballot opposite the name of the person he intends to vote for. The contestant was defeated in the Democratic primary and ran as an independent candidate. He demanded a recount of the ballots in the primary election, and contends that owing to the delay incident to the recount he was unable to have his name printed on the regular ballot and was forced to use stickers or pasters, on which his name was printed. These stickers were mailed by Mr. Tague and his friends to the voters of the district, with instructions how to use them; but when the election was over it was discovered that a number of these ballots, with the name of Peter F. Tague on them, were without a cross, as required by law, and were not counted by the election officials. Mr. Tague laid great stress on the fact that if these ballots which I have described were counted in his favor he would be elected. The committee unanimously agreed that these contested ballots should be brought before us, and accordingly we sent for them. One by one we carefully examined these ballots, and every ballot with the name of Peter F. Tague, John F. Tague, William H. Tague, or simply Tague, although it had no cross, as required by the Massachusetts law, was counted for Mr. Tague.

The committee decided that if the voter went to the trouble to paste a sticker on the ballot with Mr. Tague's name on it, even though the ballot did not have the cross, it clearly showed that the intention of the voter was to vote for Mr. Tague, and, as I have stated, every one of such ballots was counted for Mr. Tague, and Mr. Fitzgerald is still ahead by several votes. The committee even went further than that. There were among the contested ballots 10 blank ballots that were not counted by the election officials for anyone. These ballots had on them the name of Mr. Fitzgerald and the name of the Republican candidate for Congress, but there was no cross opposite either of these names, and as it was impossible to ascertain for whom the voters intended to vote, these ballots were not counted for anyone, but, as I have stated, the committee counted these 10 blank ballots for Mr. Tague, for the reason the majority of the committee contended there was a cross below the names on the ballot opposite a blank space, and the presumption was that at one time stickers had been pasted on them and had dropped off, but there was no evidence before the committee to this effect, and no stickers were found among the ballots. As the case stood after an examination of the ballots, when the committee gave Mr. Tague everything he claimed, contestee had a plurality of 10 votes. To overcome these 10 votes so that contestant could win it was only necessary to prove 11 cases of illegal registration.

Mr. BLANTON. Will the gentleman yield right there? Will the distinguished gentleman from Georgia yield for a question?

Mr. OVERSTREET. Certainly.

Mr. BLANTON. If I understand the gentleman, Mr. Tague ran against Mr. Fitzgerald in the Democratic primary and was defeated?

Mr. OVERSTREET. That is correct.

Mr. BLANTON. And that he did not abide by the decision of the primary, and he then, after being defeated in the Democratic primary, ran as an independent candidate and was again defeated.

Mr. OVERSTREET. The gentleman from Texas is correct, and now he brings his contest to this House. He comes before the House and says he is defrauded out of the election, and I would like to ask you gentlemen of the House if it is not usually the case in a close election that charges of fraud and corruption are made?

Mr. SHERWOOD. How many votes was Mr. Tague defeated by in the primary?

Mr. OVERSTREET. Fifty votes. I shall be glad to answer any questions, because I have carefully studied this case with a view to ascertaining the truth.

Mr. JUUL. I would like to ask the gentleman from Georgia what was the result of the primary contest in which Mr. Tague failed to win? In other words, what was the verdict of his party in the matter of votes? What was the difference?

Mr. OVERSTREET. As I stated a few minutes ago, Mr. Tague was defeated by 50 votes in the Democratic primary.

Mr. JUUL. Will the gentleman answer me further?

Mr. OVERSTREET. I will try to do so.

Mr. JUUL. Did Mr. Tague allege fraud in the primary election?

Mr. OVERSTREET. Yes; he alleged fraud in the primary, but this committee did not undertake to find out whether there was fraud in the primary or not. We went thoroughly into all the questions of fraud in the election. The contestant charged that there was bribery, coercion, intimidation, bossism, and fraud, but this committee found that none of these charges were sustained, except that a majority decided there was sufficient evidence of colonization in ward 5 as to authorize them to throw out the three election precincts in that ward.

Mr. HUDSPETH. Will the gentleman yield?

Mr. OVERSTREET. Yes, sir.

Mr. HUDSPETH. I would like to ask the gentleman a question. I have understood there were some voters that did not spell Mr. Tague's name correctly. Were those votes counted for Mr. Tague?

Mr. OVERSTREET. Yes; every one of such votes as you mention was counted for Mr. Tague, whether his name was correctly or incorrectly spelled.

Mr. HARDY of Texas. And still he did not have enough?

Mr. OVERSTREET. No; Mr. Tague still lacked a sufficient number of votes to elect him after all these ballots were counted for him, as I have just explained.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. RICKETTS. I understand the committee gave him the benefit of these votes. But you gave it to him because you felt it was the intention of the voter to vote for him?

Mr. OVERSTREET. Exactly.

Mr. RICKETTS. You did not give him any favor, but simply tried to carry out the intention of the voter?

Mr. OVERSTREET. Exactly so. We knew that we were disregarding the election laws of the State of Massachusetts, but we thought we had a right to see that the voters' intention was carried out if that intention could be ascertained.

Mr. VENABLE. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. VENABLE. I have read the report. I have not had an opportunity to read the hearings. It seems that both the majority and minority of the entire committee agreed on the proposition that the gentleman has been discussing.

Mr. OVERSTREET. Yes.

Mr. VENABLE. After taking all the votes that were cast, and resolving every doubt in favor of Mr. Tague, Mr. Fitzgerald is still elected?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. The majority report, however, proceeds on the theory—and that is the only basis of the majority re-

port—that there was certain illegal registration and voting in certain precincts, and a majority of the committee takes the view that the law requires that these precincts shall be disregarded altogether?

Mr. OVERSTREET. Exactly.

Mr. VENABLE. And reached the conclusion that Mr. Tague is elected by casting out these precincts?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. So that it seems to me that the only material questions in this case before the House are these: First, what is the proof developed at the hearings, if any, that there was illegal registration and voting? And second, if that is established, what is the proper law to apply?

Mr. OVERSTREET. I think the gentleman is stating the proposition correctly.

Mr. VENABLE. I would like to ask another question for my own benefit, because I think that is the thing that my own decision will turn upon. What is the proof that there was illegal registration and voting?

Mr. OVERSTREET. I am going to get to that directly.

Mr. VENABLE. That is the only question at issue, in my opinion.

Mr. OVERSTREET. I did not intend to explain this matter until I got further on in my statement, but I will answer it right here if the gentleman desires.

Mr. VENABLE. I do not want to interfere with the order of the gentleman's speech, but that is the only question in my mind.

Mr. OVERSTREET. You are exactly right. The charges of intimidation, vote buying, and coercion were not sustained.

Mr. HARDY of Texas. How about registration?

Mr. OVERSTREET. I am going to answer that question now. There were in ward 5 of the city of Boston, over 22,000 male citizens on the 1st of April, 1918, six months before the election, yet but only 4,800 of these 22,000 possible voters were registered on election day in November. Could any stronger answer be made to Mr. Tague's charge of colonization? All of the witnesses stated that they were listed and registered in ward 5 where they live, and nowhere else. Now, if these men lived there, intending that it was their domicile, they can not be listed elsewhere, and without listing them they would not be entitled to vote elsewhere. Every man must have a domicile. It is undisputed that he has a right to choose his domicile. In the case of a man having more than one home, he has the right to select either place as his domicile. In the case of men moving from place to place, it is clearly their right to choose their domicile, and the question of "domicile" is a question of intent. Contestant attacks the right of many persons to vote where listed and registered in ward 5, claiming that they have no legal domicile there. There is not one case of illegal registration conclusively proven. There was no proof that a single illegal vote was cast for Fitzgerald. The evidence shows that there are in ward 5 a great many places where men live only for a short while, and who move from place to place. There are many unfortunate men who are compelled by force of circumstances to live in cheap places and to move about continually, but such men undoubtedly have the right to a domicile and the right to vote. These men can not be disfranchised because they happen to live in a different house or on a different street on election day than they did at the time they were listed by the police. In Boston, in order to vote, men must be listed where they reside the 1st day of April. If they are so listed, they have a right to vote from such residence if qualified and registered. All of the witnesses state that they were listed and registered in ward 5 and nowhere else, as I have previously stated.

Mr. VENABLE. Mr. Speaker, will the gentleman yield for another question?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. I understand from the gentleman's report that this district lies in the business part of the city of Boston?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. The gentleman says in his report that there are a good many men in the city of Boston who resided at one time in this district whose work carries them into different places?

Mr. OVERSTREET. One minute, please. Mr. Speaker, do these interruptions come out of my time?

The SPEAKER. The Chair ought to state to the gentleman that if he yields any time, he yields his own time.

Mr. OVERSTREET. I want to answer all questions, but I desire to conserve my time as much as possible. Will the gentleman please make his questions short?

Mr. VENABLE. The gentleman contends that these men, because of the registration laws of Boston, because their work carries them around to different parts of the city or the surrounding country, must locate some place as their domicile in order to have their names turned in and in order to qualify to vote under the Massachusetts statute?

Mr. OVERSTREET. You are correct.

Mr. VENABLE. Is there any proof as to these men who have their names given out as voting in those places for fraudulent purposes? Is the proof there? I am assuming that it may be necessary under the statutes of Massachusetts for a man to have had a place as his permanent domicile for voting purposes, although his business necessitated his being elsewhere. Is there any proof that any of these men had their names given out as being domiciled at these various boarding houses and hotels with the fraudulent purpose to vote in that district, when, as a matter of fact, they were domiciled for voting purposes elsewhere, and entitled to vote somewhere else, and hence not entitled to vote in this particular precinct?

Mr. OVERSTREET. I will answer the gentleman's question. I want to say this, however, that I will be glad to answer all questions if I can, provided it does not take up too much time, but I have got to hurry along, as all my time has nearly expired. I will state to the gentleman that the majority of the committee is of the opinion that a number of the voters in this election were fraudulently registered, and that they were not bona fide residents of the district in which they voted. I desire to state, however, that I differ with the majority of the committee on this point, because I do not think that the allegations of fraudulent registration, as made by Mr. Tague, have been proven.

Mr. FITZGERALD. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. FITZGERALD. Does not the evidence show that the name of each one of these men registered from these precincts was given to the police officer who came around for that purpose?

Mr. OVERSTREET. I was going to refer to that. Here is what the record shows. Under the Massachusetts law, when you have registered one time, you are registered for all time, provided you keep your taxes paid, and are properly listed on the 1st day of April each year. The record shows that these men had given their names to the listing officers, as was required by the Massachusetts law, and their names were on the registration list. Some of these men have been voting for several years from the same place. When Mr. Tague was first elected to Congress some of these same men whom he is endeavoring to disfranchise supported him.

Mr. Lomasney, referred to as "Boss Lomasney," was Mr. Tague's strongest supporter at that time, but afterwards he saw fit to support Mr. Fitzgerald, and Mr. Tague now charges that he is a corrupt politician. I take the position that all these men whom Mr. Tague is endeavoring to disfranchise had the right to vote under the evidence before our committee. They were citizens of Boston. They were regularly registered, as required by law. They had not voted at any other election precinct, and proof before the committee utterly failed, in my opinion, to show that there was fraudulent registration.

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. I do not think I can, as I have not the time.

Mr. JUUL. I will make it very brief. I want to ask the gentleman——

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Just for a minute.

Mr. GALLIVAN. I suggest to the gentleman from Illinois that I am going to talk for a half hour, and he can ask me and I will answer his question.

Mr. JUUL. All right.

Mr. HUDSPETH. Was it shown that any of these gentlemen were not qualified voters or American citizens?

Mr. OVERSTREET. No, sir. On the other hand——

Mr. RANDALL of Wisconsin. What does the evidence show as to the residence of the contestant and contestee? Do they both live in the district?

Mr. OVERSTREET. The evidence is that the contestee lives in an adjoining district.

Mr. RANDALL of Wisconsin. He does not live in that district?

Mr. OVERSTREET. No, sir; I believe that is conceded.

Mr. Speaker, several gentlemen on the floor of the House have asked me concerning the two years' salary that Mr. Fitzgerald offered Mr. Tague if he would retire from the contest. The only evidence there is in the record concerning this matter is the statement of Mr. Tague himself, who said that Martin Lomas-

ney told him that probably Mr. Fitzgerald would be willing to yield to him the salary for two years if he would withdraw his contest. Mr. Lomasney himself denied the statement, and Mr. Fitzgerald testified that he made no such statement to Mr. Tague nor authorized Lomasney or anyone else to make such a proposition to Mr. Tague. Mr. Tague contends that this man Lomasney told him some time during the year 1917, soon after he voted for conscription, that he intended to defeat him for Congress at the next election. Mr. Tague says that from the time he cast that vote in the House, Mr. Lomasney began to fight him and continued the fight until the date of the election, and yet, in March, 1918, judging from a letter written by Mr. Tague to Lomasney, one would conclude that their relations were the most friendly, and in writing the letter to Mr. Lomasney, Mr. Tague addressed him very familiarly as "Dear Martin," and signed himself as "Yours, Pete."

In order to declare him elected, the contestant would have you throw out three election precincts, which would be a very dangerous precedent for this Congress to adopt, and especially in view of the fact the records show that the only evidence pointing to fraudulent registration was given by Mr. Tague himself, who got his information from investigators hired by him to ascertain whether certain voters resided in the district, and Mr. Tague himself testified to what these men told him. This testimony was hearsay, and would have been inadmissible in any court in this country.

I respectfully submit that contestant has not carried the burden successfully, and has not made out his case. This is not a case in which partisan bias or prejudice can take any part, because both gentlemen are Democrats. You are not bound to be governed by the majority report. While it is true that only two members of the committee signed the minority views, I, nevertheless, feel that these views are correct. Being in the minority is no reason why we are wrong. I ask you gentlemen to consider this case carefully. I have no interest in it, except that right shall prevail. I have not covered the ground as I would have liked to do, because my time was limited.

I thank you for your attention, gentlemen. [Applause.]

Mr. GOODALL. Mr. Speaker, how much time has the gentleman used?

The SPEAKER. The gentleman from Georgia has consumed 43 minutes.

Mr. GOODALL. I yield 20 minutes to the gentleman from Missouri [Mr. RHODES].

Mr. RHODES. Mr. Speaker and gentlemen of the House, before beginning what I shall have to say in regard to the merits of this case, I want to call your attention to a few things that have been mentioned by the distinguished gentleman who has just preceded me. Immediately after the convening of the present session of Congress, and after the commencement of the contest, I was informed that there was an election-contest case between Peter F. Tague as contestant and Mr. John F. Fitzgerald as contestee from the tenth congressional district of Massachusetts. I want to say that from that day until Elections Committee No. 2, of which I have the honor to be a member, convened on the 29th day of August of this year, I never heard the case mentioned.

I am a little surprised that my friend who has just spoken had found out so much about the merits of this case that he had even been constrained to make up his mind before the case was considered as to whom was entitled to the seat. I want to say, gentlemen of the House, that I approach the consideration of this case without any personal knowledge of the facts, without a personal acquaintance with either the contestant or the contestee. I maintained that position, gentlemen, from the time the hearings began until this good hour. I want to assure you, and I assure both contestant and the contestee, that I endeavored to qualify as a juror would qualify in the trial of an important case. I have no personal interest in the result of this controversy.

One of the surprising things that attracted my attention was that this is a contest between two Democrats. Mr. Fitzgerald, the sitting Member, and Mr. Tague, the contestant in this case, were Democratic candidates before the Democratic primary in the city of Boston. Mr. Tague, according to the testimony, was defeated by a few votes. The testimony shows, gentlemen of the House, that Mr. Tague complained of the result of the treatment he received in the primary, that he took the case into the court, and before the matter was decided it was too late for him to get his name on the official ballot.

Mr. GALLIVAN. Will the gentleman yield?

Mr. RHODES. I can not.

Mr. GALLIVAN. The gentleman is making a misstatement.

Mr. RHODES. The gentleman will have an opportunity to correct it.

Mr. GALLIVAN. I will correct it.

Mr. RHODES. I have only 20 minutes, and I feel that I can not yield. I was about to say, when interrupted by the gentleman from Massachusetts, that the only means by which Mr. Tague had to get his name on the official ballot was to have it placed there by the voters on election day, which they did in surprisingly large numbers.

And I want to say, Mr. Speaker, that a man whose name was not printed upon the official ballot, a man who could, through his friends upon election day, by means of attaching stickers on the ballots and by means of writing his name thereon, make the race that Peter Tague did certainly accomplished a remarkable feat.

The testimony in this case shows that on the face of the returns Mr. Fitzgerald received a plurality of 238 votes. The further testimony in the case shows that 1,304 votes were challenged. The further proof is that out of 1,304 votes there were 14 challenged votes, and there were 6 soldier votes. The facts in the case further show that the committee asked an order on the part of this House directing the election commissioners to bring these contested ballots before the committee. In due time these votes came, and they were laid before the committee, as the gentleman from Georgia [Mr. OVERSTREET] has stated. The committee went through these ballots one by one, and whenever it occurred that the name of Peter Tague was there written in pencil, in ink, or appeared in the form of a sticker your committee decided that that was the highest evidence of the intention of the voters, and therefore counted the vote for Mr. Tague.

Mr. JACOWAY. Mr. Speaker, will the gentleman yield for a short question there?

Mr. RHODES. Yes.

Mr. JACOWAY. The question I want to ask is this: On the face of the returns what did they show Mr. Fitzgerald was elected by?

Mr. RHODES. By 238 plurality. Enough of these ballots bearing the stickers on which the name of Peter Tague appeared and on which the name of Peter Tague had been written were found to reduce the plurality to a bare margin of 10 votes, and I want to say to the gentlemen of the House that in this view the gentleman from Georgia [Mr. OVERSTREET] concurred with the majority of this committee, and the gentleman from Massachusetts [Mr. LUCE], who has filed a separate dissenting opinion, also concurred.

Mr. FITZGERALD. Mr. Speaker, may I ask the gentleman a question there?

Mr. RHODES. If it is short.

Mr. FITZGERALD. Does that include the six votes given to me by the soldiers, which came in late?

Mr. RHODES. That did not include the six votes, five of which had been counted for Mr. Fitzgerald, to which he refers. Neither did it include the 14 ballots which had been challenged and which had been challenged as fraudulent.

Mr. FITZGERALD. Twelve of those votes were for me, and were not counted.

Mr. RHODES. Mr. Speaker, I have requested the gentleman to please not interrupt me further, because I have only 20 minutes of time. I wish to reinforce what I said a moment ago, that I approach this case without any bias, without any prejudice, without any personal or partisan feeling, and without any interest in the result. I am just endeavoring to give you a fair, square statement of the facts in the case, as they revealed themselves to the committee during the investigation. I might say at this time that this is a remarkable case, not only because it comes from the great city of Boston but it is remarkable because it presents itself to this body in three separate reports—a majority report, acquiesced in by six members of the committee, a separate dissenting opinion by Mr. LUCE, from the State of Massachusetts, and a second separate dissenting opinion supported by the gentleman from Georgia, Mr. OVERSTREET, and the gentleman from New York, Mr. JOHNSTON. I wish to say that the committee was in accord until we reached the point of the consideration of the fraudulent votes in ward 5 of that city. My friend Mr. OVERSTREET did not answer a very pertinent question, which I think the facts warrant. The question was asked Mr. OVERSTREET by the gentleman from Mississippi if the committee had evidence of fraud having been committed in ward 5 of the city of Boston. I say that the record is teeming with evidence of fraud. It is of that peculiar quality and kind that it strikes at the very foundation of this Republic, if permitted to continue in force. The gentleman from Georgia——

Mr. GALLIVAN. Will the gentleman mention the fraud?

The SPEAKER. Does the gentleman yield?

Mr. GALLIVAN. Just mention the fraud.

The SPEAKER. Does the gentleman yield?

Mr. RHODES. I decline to yield, and I hope the gentleman understands this to be my declination. I was about to say, and perhaps the gentleman does not like to hear it, that the fraud

that was laid bare in this case is of that peculiar and far-reaching character that it strikes at the very foundations of this Republic. The gentleman from Georgia [Mr. OVERSTREET] deplores the situation from a personal standpoint. I want to say to you, gentlemen, that the Congress of the United States has an interest in the result of the election in every congressional district of the United States, and I say that if the conditions prevail in the city of Boston that are contained in the testimony in this case, then there is no question but that the majority of this committee did the right thing in returning this report.

Answering the gentleman's question specifically, there is abundant proof showing that men were maintaining a sort of dual residence in the city of Boston, such as I have never heard of anywhere else in the United States. Men by the score were maintaining temporary residences in precincts 4, 8, and 9, of ward 5, whose families resided without the corporate limits of the city. Will any gentleman contend that the law of his State or that the law of my State contemplates such a condition of residence for the purpose of exercising the right of suffrage? Further answering the gentleman's question, the record shows that there were 187 cases where men had been charged with fraudulent registration, for whom subpœnas had been issued by the court and placed in the hands of officers of the court, and according to the returns upon the process these men could not be found. I want to say in conclusion upon this point that the admission of the distinguished gentleman from Massachusetts [Mr. LUCE], a gentleman for whom I have the highest personal regard, a gentleman who has done himself everlasting credit in the preparation of his splendid report, admits fraud in ward 5, and says this House should declare the seat vacant. With all due regard to the opinion of the distinguished gentleman, Mr. LUCE has announced a very curious doctrine. His report is fearfully and wonderfully made. He invokes the ancient and honored rule of equity, which says that he who seeks equity must come into court with clean hands. I agree with the gentleman as to the correctness of the rule, but he has made a misapplication of it in this case. I would answer both Mr. OVERSTREET and Mr. LUCE at the same time upon this proposition. These gentlemen forget when they charge that the contestant was a beneficiary under the fraudulent operations of Martin Lomasney on prior occasions that under the Constitution of the United States this Congress is a law unto itself. They forget that the Sixty-sixth Congress is a distinct entity when taken into consideration in connection with any preceding Congress. In other words, each Congress is, as it were, a tub standing on its own bottom, and it is immaterial for the purposes of this case whether Peter F. Tague was the recipient of favors at the hands of this marvelous man, Martin Lomasney, on former occasions or not.

The fact remains that what took place at the election preceding the Sixty-fifth Congress and at which Mr. Tague was a candidate, and what may have taken place in the election preceding the Sixty-fourth Congress, can not be charged against him in this case. I want to say, gentlemen, as a disinterested Member, except to the extent I stand in the performance of an official duty, I want Mr. Tague to understand that as far as I am concerned I am not only willing to vote that he be seated, but I am willing that my vote be understood to be a vote of confidence in him as a man being able to resist the influence of such a man as Martin Lomasney. Reference has been made to Martin Lomasney as a sort of a powerful political tyrant and autocrat. You gentlemen talk about fighting in the recent war to make the world safe for democracy. I want to remind you gentlemen that if what Mr. LUCE admits is true, if what the record proves is true in this case, you have a system of political autocracy in the city of Boston, of which I have no personal knowledge, you would do well to get rid of at the earliest possible opportunity. [Applause.] And my humble judgment is that this House will do well to purge that city of the influence of this remarkable man, Mr. Lomasney. As a new Member of Congress and a new member of the committee I remember asking counsel in this case, when the argument came before the committee and reference was first made to Martin Lomasney, how it was that he withdrew his influence from Mr. Tague and gave it to Mr. Fitzgerald. The evidence in the case, beyond a reasonable doubt, indicated that this man Lomasney is a man of great wealth and great political influence, and that he is a man without visible occupation. I asked the question myself during the course of the hearing, "In what business is Mr. Lomasney engaged?" The answer was that he has no visible occupation, which justifies the conclusion that the business in which he is engaged does not meet the approval of the best citizens of Boston. Summing the matter up, this House has abundant precedents to support the position taken by the majority of the committee. I want to say, Mr. Speaker, for a hundred years cases have been brought before this body grounded upon fraud, and in a large number of cases ousted the sitting Member and seated the contestant where fraud was charged and proven. I say not only are there ancient decisions supporting the position of this committee, but I say there are recent decisions, numbers of them, on which the committee relies. I want to say, gentlemen of the House, that another very remarkable condition exists in the tenth district in the city of Boston. The testimony shows that Mr. Tague——

The SPEAKER. The time of the gentleman has expired.

Mr. RHODES. May I have two minutes more?

Mr. GOODALL. I yield the gentleman two additional minutes.

Mr. RHODES. I was about to say that another very remarkable thing developed during the course of this hearing, which was that this extraordinary man, Martin Lomasney, was so situated upon his political throne and surrounded by his political followers that he was not only able to control the destinies of the politicians of his own ward but in this case he saw fit to stretch forth his strong hand and invade another part of the city of Boston by bringing from another district, into the tenth district, John F. Fitzgerald and run him for Congress. I say, gentlemen of the House, without knowing the facts, I was surprised when I found out that Mr. Fitzgerald was not even a resident of the tenth district which he professes to represent in this body, and my further guess is that while the Constitution of the United States does not expressly prohibit a man representing a district in which he does not reside that Mr. Fitzgerald is the only Member residing out of his district. This is certainly a very curious and unusual thing. And in conclusion my opinion is that John F. Fitzgerald is the only man sitting in this House who is not a bona fide resident of the district which he professes to represent——

Mr. GALLIVAN. There are a half dozen.

Mr. RHODES. Then, gentlemen, I am mistaken——

The SPEAKER. Gentlemen must not interrupt a speaker without asking leave.

Mr. RHODES. Mr. Speaker, then I am mistaken when I said there was not one. The gentleman from Massachusetts says there are six. I say out of a total membership of 435 that constitutes a very small per cent of the membership, and is a remarkable exception to the rule. I ask the gentleman to name them.

The SPEAKER. The time of the gentleman has expired.

Mr. RHODES. Gentlemen, I thank you. [Applause.]

Mr. FITZGERALD. Mr. Speaker, we have taken, I understand, 43 minutes, and I ask the courtesy from the other side that they present another speaker now.

Mr. GOODALL. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. ELSTON]. [Applause.]

Mr. ELSTON. Mr. Speaker, the chairman has given me very little time, because I have not prepared to make any extended statement. I believe to Mr. LEHLBACH, of New Jersey, has been delegated the presentation of the main argument for the majority of the committee. With the exception of the gentleman from Georgia [Mr. OVERSTREET], all members of the committee came substantially to the same conclusion. In general the testimony showed that the lodging house, saloon, and tenement district of Boston was under the control of a boss, and that boss was Martin Lomasney. Martin Lomasney controlled the machinery of the elections; and ward 5, which constitutes the backbone of the congressional district, and located, as I have said, in this thickly settled part of the business district of Boston, was under his absolute control. The testimony showed that he could swing it almost as a unit either one way or the other. Sometimes he would swing it to a Republican and sometimes he would swing it to a Democrat. All the evidence showed that it was his own little pocket borough. The evidence shows further that for reasons of his own, Mr. Lomasney broke with Mr. Tague and concluded that he would no longer support him, and one reason assigned was that Mr. Tague's course in the war Congress did not satisfy him, the complaint being that Mr. Tague did not get up on the floor of the House and make certain inquiries of the President of the United States of a nature which would be disparaging to a certain extent to America's cause in the war. Suffice it to say that Mr. Lomasney concluded finally that he would import from another district of the city another candidate, and he selected Mr. Fitzgerald. Mr. Fitzgerald was brought into the district and put into the race. And then every bit of Mr. Lomasney's force, all of his influence, all of the power that he had of manipulation of that district politically, were put behind Mr. Fitzgerald. Mr. Tague had not the privilege of running as a regular candidate on the ticket. He was compelled at the election to go in as an independent. He had no place on the ticket.

There was only a blank space left on which his friends could place stickers, or in which they could write his name. Sufficient of his friends either put on those stickers, involving labor and attention, or wrote in his name, so that the final result showed by the canvass of the election commissioners that Mr. Fitzgerald gained a majority of only two hundred and some odd out of a total vote of about 15,000.

Mr. LONGWORTH. Will the gentleman yield at that point?

Mr. ELSTON. Yes.

Mr. LONGWORTH. I know nothing of the facts in this case except what I have heard to-day, but if there was supposed to be a large immigration into ward 5, how does the gentleman account for the fact that there were only 15,000 votes cast in that district altogether, while in the district represented by Mr. GALLIVAN more than 25,000 votes were cast?

Mr. ELSTON. I do not believe the evidence shows there were any importations or that the charge of colonization included the ordinary importation of outside floaters into the district for the purpose of voting. I have not very much time, but I will come to that.

Mr. LONGWORTH. It seems to me it was a remarkably small vote in a district of that sort.

Mr. ELSTON. I think that question will be reached. The charge of colonization——

The SPEAKER. The time of the gentleman has expired.

Mr. GOODALL. I yield five minutes more to the gentleman.

Mr. ELSTON. A number of the ballots that had been disputed on either side were certified to the committee. They numbered something like 1,300. The committee went over those ballots and found that something over 200 of them were unmistakably voted for Mr. Tague, and the committee so found. Now, those ballots, aggregating over 200, had either stickers upon them labeled "Peter F. Tague for Congress" or they had Peter F. Tague's name written in. At any rate, the committee found upon evidence on the face of the ballots sufficient in every particular that Mr. Tague had some two hundred and odd ballots more that should have been counted for him and were not counted for him by the canvassing officers, so that the disparity between the two contestants, after we counted those 1,300 ballots, was under 20 votes.

Now, having finished that part of their work, the committee addressed itself to six or seven specifications—fraud, duress, intimidation, and so forth—as applying to the whole district, and in that particular the committee finally centered its findings down to the charges of colonization.

With regard to colonization, the committee found there was unmistakable evidence that at least a third of the voters in three precincts of ward 5 were fraudulent voters, and fraudulent in this respect, that they did not dwell or have their homes in those particular precincts. And as to that finding of the committee, that these voters, approximating one-third of the voters in these three precincts, were fraudulent, the committee was unanimous in their finding except for the gentleman from Georgia [Mr. OVERSTREET]. Even the gentleman from Massachusetts [Mr. LUCE] not only agreed with the committee as to its findings but agreed with the committee as to its application of the law on the facts, and the gentleman from Massachusetts concluded with us that the law of Massachusetts was such that on the facts disclosed in the record these voters were fraudulent, inasmuch as their registration was not a legal registration, that they had their dwelling places and homes at other places, and that they were registered for the fraudulent purpose of voting in this ward or to serve the political ends of Martin Lomasney.

Mr. REAVIS. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. REAVIS. Do I understand the gentleman that the finding of the committee, with one exception, was unanimous as to the fraudulent character of these votes?

Mr. ELSTON. It was. I do not have to go on presumption or deduction as to that with respect to the attitude of the gentleman from Massachusetts [Mr. LUCE], because the gentleman from Massachusetts agrees as to the facts found by the committee as to illegal registration and agrees with us that the vote in these three precincts should be disregarded, but he applies a different rule of law as to what should be done. He wishes to throw the vote out and declare the seat vacant rather than to seat Mr. Tague. This would contravene the law as established by the precedents for 50 years.

Mr. HUSTED. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. HUSTED. Will the gentleman state what evidence there was, if any, that Mr. Fitzgerald benefited by these alleged frauds?

Mr. ELSTON. The evidence was of a character showing that the Hendricks Club and Mr. Lomasney operated in these three precincts politically; that the registration was largely under their control; that the politicians and saloon keepers and bartenders, and municipal workers who had registered there were political associates of Mr. Lomasney; that all these political elements, to a large extent, were under the control of Mr. Lomasney; that Mr. Fitzgerald was Mr. Lomasney's choice; and it was a proper presumption for the committee to make that any political manipulation down there in the way of colonization was under the direction of Mr. Lomasney and for the benefit of Mr. Fitzgerald. The decisions, however, do not require any proof as to how the illegal registrants voted. It is only necessary to show extensive fraud sufficient to throw doubt as to the result, whereupon the decisions hold that the precincts tainted with fraud shall be eliminated from the count.

Mr. HUSTED. Were any of these illegal registrants identified as political followers of this boss?

Mr. ELSTON. They were. A number of them came up in a procession before the election commissioners, with Mr. Lomasney at their head. I have already said, however, that it is not necessary to prove for whom the illegal registrants voted.

The SPEAKER. The time of the gentleman from California has expired.

Mr. HUMPHREYS. Will the gentleman yield to me for a question?

Mr. ELSTON. Yes.

The SPEAKER. The gentleman's time has expired.

Mr. GOODALL. Mr. Speaker, I yield to the gentleman two minutes more.

The SPEAKER. The gentleman is recognized for two minutes.

Mr. HUMPHREYS. The gentleman claimed that there were stickers without any glue on them provided by this board. Is there any evidence to show that in the ballot boxes there were any of these unattached stickers in the box?

Mr. ELSTON. There was very slight evidence as to that; and the committee in its findings disregards the charge that these phony stickers were used or introduced into the election by Mr. Fitzgerald or Mr. Lomasney. That was not a material factor in the decision of the committee. The committee in its deliberations brought the issue down to within 10 votes between the two contestants, and then, addressing its attention to the colonization feature and applying the rules of law to that, it found that fraud interpenetrated those three precincts to the extent that you could not tell what the result would have been. There was evidence to indicate that a large part of the colonized votes were cast for Mr. Fitzgerald, because they were cast under the direction of Mr. Lomasney and under his control; and it was obviously a proper presumption that Mr. Fitzgerald got the benefit of them.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. KELLER. What does the evidence show with regard to the vote in the precincts? Who received a majority in those precincts? Was not the majority very large?

Mr. ELSTON. It was quite preponderant.

Mr. LEHLBACH. One hundred and twenty.

Mr. ELSTON. It was preponderantly in favor of Mr. Fitzgerald in those precincts.

Mr. FITZGERALD. Mr. Speaker, I yield 25 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts is recognized for 25 minutes.

Mr. GALLIVAN. Mr. Speaker, I would like to be advised when I have used 20 minutes.

Mr. Speaker, so many misstatements have been made that it has been hard for me to hold my seat. I never knew before that there was so much ignorance in Congress. I never knew that the committee which has apparently sat on this case several weeks knows so little about it. [Laughter.]

I want to open my statement by saying that in the primary my heart and my hope were with Peter Tague. It is true that Mr. Fitzgerald does not live in his district. He is a constituent of mine. [Laughter.] And I was up against the same kind of a fight that Tague was up against; a man who did not live in my district, my predecessor in this Hall, was running against me, with a mountain of money. But I beat his head off. [Laughter.]

Now, I do not want to be interrupted for 15 minutes. Then I will answer whatever questions I am able to, and in order to let this audience know what thought I have given to this case I have prepared my opening, and I am going to read it, and I want you to believe that every word I say to you is the truth, nothing but the truth, so help me God. [Applause.] The truth is sometimes heard in these Halls.

It is no easy task for a Member of Congress who has friendships, deep and long lasting, with both contestant and contestee,

to rise in this discussion and take an open stand on one side as against the other. My position is my own, uninfluenced by either side and unawed by threat or promise. While this contest has been pending my lips have been sealed. I have refused to discuss it with Members of both political parties here in this House, and I have fervently hoped that when the committee reported its report would be a unanimous one. Long weeks ago I advised the contestant that if the committee was unanimously against him, he would be foolish to fight its report. At about the same time I told the sitting Member the same story. I said to each of them that with a unanimous report from the committee I would stand with the committee. In those days I believed that the committee was preparing to sit as a judicial and not a political body, ready and willing to go after the evidence, and unready and unwilling to be influenced by political leaders or heelers, high or low, in Washington or in Massachusetts.

Gentlemen of the House, I was mistaken. The House knows now, from a committee split three ways, that politics has entered into the result from this committee, and that the good of the State and the good of the citizen has been lost sight of. I had intended, even when the committee made its report, to take no part in the discussion until I read the report of a majority of the membership, which recommends the unseating of Mr. Fitzgerald and the seating of Mr. Tague, and even then I had not decided to open my mouth until I read so many false, misleading, absurd, and far-fetched statements, winding up with the recommendation that 1,000 of my fellow citizens in Boston be disfranchised, no matter who or what they might be.

I have given the matter long and serious consideration, and I have decided, Mr. Speaker, that if I sat in this Chamber under such conditions, with my voiced hushed and my tongue tied, I would be ashamed of the great city which sent me here as one of its Representatives, and worthy to be disowned by the good people from whom I sprung.

There is neither method nor madness in my attitude to-day. I have known Mr. Fitzgerald from childhood. He and I went to school together. I have supported him in some of his political contests in my city, and I have been his bitter opponent—probably his most bitter opponent—in others. Twenty-one years ago I fought him at the polls as an independent candidate for Congress. He beat me badly. For years I did not speak to him for doing it. [Laughter.]

I have served in the Massachusetts Legislature with Peter Tague, and I have had a lifelong friendship with him and a personal fondness for him second to that of no other man in Massachusetts politics. You will understand, therefore, Mr. Speaker, that my position is absolutely impartial and is in accord with what I believe to be solely the square deal in Congress.

Now, for some interesting history. Months ago, after the contest for this seat had been filed and the evidence taken, and when all Boston was watching for the creation of the various election committees, it was an open boast—an open boast—from one of the political camps that it would be all one way just as soon as Congress got down to business. The committees were selected, and curiosity was keen and active in Boston as to the committee to which this contest would be sent. When it finally reached Election Committee No. 2 betting was lively in Boston, 2 to 1, 3 to 1, "Fitzgerald will be kicked out." Of course I paid no attention to the rumors of the day, because I thought I knew the Congress of the United States, and I still believe I know the Congress of the United States. I have said to you that I intended taking no part in this discussion until I read the majority report, and when I read that, my mind went back to the day when I heard the gamblers talk, and I wondered where they got the early tips.

Now, let it not be forgotten that this is a contest between two Democrats, one of them active in the public life of New England for over 25 years, having been a Member of this House as the sole Democrat from New England 25 years ago, a mere youth. In every big campaign during that quarter of a century up in my country his services have always been solicited, and he might be known in the parlance of the day as a headliner among the Democratic spellbinders of Massachusetts. You will recall, all of you gentlemen, with what interest the country watches the result from the State of Maine, which is the first northern State to hold its elections. They seem to get a guide from the result in Maine as to what is going to happen in the rest of the country. But now that the great West has come into its own that is all over. For 25 years Congressman Fitzgerald has been at the beck and call of the Democratic Party of the State of Maine.

Mr. HERSEY. Will the gentleman yield?

Mr. GALLIVAN. I asked not to be interrupted, but I have such a high regard for my good friend that I will gladly yield.

Mr. HERSEY. Is the gentleman from Massachusetts aware that in the last election the gentleman from Massachusetts [Mr. FITZGERALD] went down into Maine and opposed the election of WALLACE H. WHITE, and that WALLACE H. WHITE was reelected by an increased majority?

Mr. GALLIVAN. I was not aware of that, but it shows whence comes the animus I spoke of. [Laughter.] For 25 years Congressman Fitzgerald has been at the beck and call of the Democratic Party of the State of Maine, as every good Republican on this side of the House, if invited to come to Maine by his party gladly comes. My friend [Mr. HERSEY] refers to one speech. I wish to say that Mr. Fitzgerald has probably spoken dozens of times in every congressional district in that State during those years.

Just as soon as we found that the Committee on Elections was headed by the distinguished gentleman from Maine [Mr. GOODALL], for whom I have the highest personal regard, again my mind went back to the days when I heard "Fitzy has been framed. He has not got a look-in." But I did not believe it. I have too much and too high regard for the gentleman who occupies that chair as Speaker, and for the gentleman who is the presiding officer of the committee, to believe it. I have read the majority report, however, and I find that the committee have not only given the contestant every possible vote—and I hoped that they would—but then being unable to beat Fitzgerald they indict the citizenship of my city by asking you intelligent Representatives to throw to the winds three entire precincts, 1,000 American voters, in order that if "Fitzy had been framed," Fitzy would be framed.

Thinking it over this week, it has made my blood boil, and I decided that I would be a craven coward under the circumstances if I kept quiet and allowed what looks like a prepared program to slip through this House without the House knowing the inside story.

I want to say this much about the taking of the evidence in Boston before the notaries nominated by each of the parties to this contest. To me it was the most farcical proceeding that has ever happened in the political history of this country. None of it is worth reading and none of it has made the slightest impression on me. Each notary was a politician, one a Fitzgerald partisan, the other a Tague partisan, and to me their decisions were uproariously funny. Yet the majority report refers to the evidence more or less frequently, when, in my judgment, it should be passed by in its entirety. People in Boston believed in but one witness who appeared at that hearing, and that is the man whose name you have heard here so often to-day, Martin M. Lomasney.

Gentlemen, we have just recently adjourned a constitutional convention in Massachusetts, its membership having been made up of the biggest and brainiest men in our beloved Commonwealth. It has sat all summer for three summers. At its adjournment a former leader in this House, a former beloved governor of Massachusetts, Samuel W. McCall, was interviewed by the Boston press, and he was asked, "Mr. McCall, who was the outstanding figure of our constitutional convention?" You remember Sam McCall when he was here. Without hesitation he said, "Martin Lomasney was head and shoulders above all of us in constructive suggestions." That is the terrible boss, the awful man whom one or two of these strangers to our city have tried to depict here.

The SPEAKER pro tempore (Mr. YATES). The gentleman from Massachusetts asked to be notified when he had used 20 minutes.

Mr. GALLIVAN. Yes.

The SPEAKER pro tempore. The gentleman has used that much time.

Mr. GALLIVAN. I ask to be notified at the end of five minutes more.

Martin M. Lomasney never took a drink of liquor in his life. He never smoked a cigar in his life. He encourages total abstinence among the young men of his neighborhood. Instead of being the friend of the liquor dealer—and I served in both branches of the legislature with him—he has been unalterably opposed to liquor dealers sticking their fingers in Boston politics, and is the one leader, Democrat or Republican, in Massachusetts who has pushed the liquor dealer away from his door.

Mr. TREADWAY. Will the gentleman yield to me?

Mr. GALLIVAN. Yes.

Mr. TREADWAY. May I ask the gentleman if it is not a well-known fact among those who have served in the Legislature of Massachusetts, both Republicans and Democrats, that everyone who has any business with Mr. Lomasney, either political or otherwise, knows that his word will be carried out to the very letter, and that his word is taken instead of his bond?

Mr. GALLIVAN. Absolutely so. My excellent colleague was president of the Senate of Massachusetts, and he knows Mr. Lomasney as well as I know him. God knows I owe the distinguished leader of ward 5 little. I would have been mayor of Boston if he had been with me. [Laughter.] But he selected another former Member of Congress, more able than I, more distinguished than I, the former Assistant Secretary of the Treasury, Andrew J. Peters. [Applause.] And he gave him his support, and Mr. Peters is now mayor of Boston. Mr. Lomasney was trying to get rid of a bad man who was mayor, and he did not think that I was quite strong enough to do the job, and he thought Andrew J. Peters was strong enough to do the job, and he threw the great strength of his wonderful presence into Mr. Peters's fight, and saved the good name of Boston by electing my opponent, who is at least a clean man. [Applause.] So, gentlemen, take no stock in that liquor-dealer stuff. Mr. Lomasney has never taken orders from them. I repeat that he is the one leader, Democrat or Republican, who does not allow them to dictate for the shadow of a moment, and he makes no attempt to dictate to them, because, between you and me, he has no use for them. Somebody wanted to know, what does he do? He does good 18 working hours of the day. He does not have to do anything now. He has made his money. Why is he a power? Because every child, every man, every woman in his district who has ever seen want, who has needed help, has had to make but one appeal to Martin Lomasney. When one word of the story is told to Martin Lomasney, it is all over. [Applause.] And when Peter Tague appealed to him four years ago or five years ago and said he wanted to come to Congress, Martin listened to his story. Martin at the time wanted to lick the man who was running against Peter Tague, and he listened to Peter's story and he said, "Peter, I will send you there." The men who have come from that district, not only Mr. Fitzgerald, who has been paraded here to-day, but Mr. Tague and Mr. Tague's predecessor, and his predecessor, and, to use a favorite expression of former Speaker CLARK, until the memory of man runneth not to the contrary, every one of those men who has come from that district has come from there because Martin Lomasney sent him here.

The SPEAKER pro tempore. The gentleman has used 25 minutes.

Mr. GALLIVAN. I wish I had somebody in my district like Martin M. Lomasney. I reserve the remainder of my time. [Applause.]

Mr. GOODALL. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. MCGLENNON].

Mr. MCGLENNON. Mr. Speaker and Members of the House, it is most embarrassing for a new Member at any time to rise and make his maiden speech, but I think this particular moment, when the Speaker has to rap his gavel at great length, has made my introduction more embarrassing.

However, the question of the committee's report I feel is one of great importance, and being the only Democrat who has signed the majority report, I feel, in extenuation of the remarks of the previous speaker, the most genial and affable Democrat from Massachusetts [Mr. GALLIVAN], that I can still say without contradiction that there was no politics in making up the committee's decision. To my knowledge and to my mind the committee, after careful study and discussion of every detail of the case, in the hope that in the end justice would be done either to the contestant or to the contestee, made this report.

The committee, as I said, gave careful consideration to all the details, and we hoped that we might have concluded this election case by the counting of the votes. After giving both the contestee and the contestant due credit on these ballots, as seen in the light of the intention of the voter, we found that we were unable to reach a decision as to the charges presented.

Then the committee had to enter a wider field, that of fraud, which this report so clearly distinguishes. As a Democrat, I want to say that I have given very careful consideration in this particular case to the advantages that would necessarily accrue to a Democratic Member. I feel that as between Mr. Tague and Mr. Fitzgerald the Democratic Party would be safe in the selection of either. I feel that the committee has been careful and painstaking in its investigation, and I have every reason to believe that the committee's action will be sustained. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I would like to ask how much time has been used by the respective sides?

The SPEAKER. The gentleman from Georgia [Mr. OVERSTREET] has 52 minutes remaining, the gentleman from Maine [Mr. GOODALL] has 62 minutes, and the gentleman from Massachusetts [Mr. LUCE] 45 minutes.

Mr. FITZGERALD. I would like to have the other side use some of their time.

Mr. GOODALL. Mr. Speaker, I have only one more speech, and I think it would be in order for the gentleman from Massachusetts [Mr. LUCE] to use some of his time.

Mr. FITZGERALD. Mr. Speaker, I see that the gentleman from Massachusetts [Mr. PHELAN] is here, and I yield five minutes to him.

Mr. PHELAN. Mr. Speaker, for some reason, before I came actually face to face with this case, I admit of considerable embarrassment. That was because, in part at least, I am of the same party as both contesting parties in this case and I have been on terms of the warmest personal friendship with each gentleman and have had affection for both. As we came face to face with the case I found that I was embarrassed, as men so often are by little things, but had overlooked temporarily the big things. To-day and yesterday and the day before, in spite of the fact that no man likes to vote against his friend, there is still only one embarrassment which I have been suffering, and that is the embarrassment of a judge sitting to pass upon not only the rights of individual men seeking a seat in this honorable body, but passing upon what is more important, the rights of the people who cast their votes in this district.

I say, in thinking about my embarrassment as to friends, I forgot that friendship does not enter into the case; it is simply and solely the rights of the people of the congressional district in Boston to have the Representative here whom they chose.

Like my colleague, Mr. GALLIVAN, it was my intention to abide by the determination of this committee. I certainly did not intend to speak, but because of two things I felt, as a representative of the good people of Massachusetts, to say a few words here on this election case, regretting I have not the time and opportunity to go into the details of the case which are all important.

I want to say right here that I am not in any way a representative of the city of Boston. The district I have the honor to represent covers no part of the city of Boston. I am entirely outside of Boston. The two things to which I refer are these: There has been so much said about corruption and dishonest elections and dishonest procedure and all that sort of thing that I feel that I ought to say one word in justice to the Commonwealth of Massachusetts. Massachusetts has as good election laws as any State in the United States and, I believe, with all due respect to other Commonwealths, better than many. In justice to the men who have been attacked, I feel that I ought to say a word in explanation—I do not want to use the word "defense," but in explanation. As to the board of elections which has been attacked by one of the parties in this case, I want to say that I do not know a member of the present board of elections, but I have known members in the past, and I was a legal colleague of one man who served for many years on that board.

I have always believed and have always had every reason to believe that that board is composed of honorable, upright, and just men. The law has taken every means possible to provide that they shall be that kind and that they shall not be partisan in their determination, because the law requires that the mayor of Boston, in appointing those men, shall apportion the four members among the two parties dominant in Massachusetts—the Republican and the Democratic Parties. I can not speak personally of those men, because I do not know them.

The ballot commission of the Commonwealth of Massachusetts has been charged with not giving one of these parties a square deal. I want to say that I know two members of that commission. The third member I do not know, and I know in a fairly intimate way particularly the chairman of the board, Mr. Henry V. Cunningham. There is not a man, not alone in Massachusetts but there is not a man in the whole United States, who has a regard for his public duty than has Henry Cunningham, chairman of that board. He is an honest, decent, upright, respected citizen of the Commonwealth of Massachusetts.

To get down now to one other individual who has been attacked in this case, I want first to say that I found in talking to Members about this case—and the Members, particularly on my side of the House, will know that I have not tried to influence a single Member, have not given an opinion to a single Member until this very morning, as to how I felt in this case—that I have found from the talk going around that they think this whole case is surrounded by the worst kind——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. PHELAN. Mr. Speaker, will the gentleman grant me five minutes more?

Mr. FITZGERALD. I yield five minutes more to the gentleman.

Mr. PHELAN. They think that this case is surrounded by the very worst kind of trickery and everything that is bad, and one man in particular has been singled out as the arch criminal of all this wrongdoing in the city of Boston, namely, Mr. Martin M. Lomasney. I am not an intimate of Mr. Lomasney. To the best of my knowledge I have never asked nor received from him a favor in all my life, but I served in the legislature with him. I was there when he came back after an absence of 10 years in 1905.

I know that when he came into that legislature Republicans—and I am not partisan in this—looked upon him as the kind of man that many Members of this House now think he is. I give you my solemn word that some of the best members in that legislature, not alone on the Democratic side but on the Republican side, came to know Martin Lomasney and came to respect him, came to believe before they left in that one single term that he was a man who deserved respect, a man who could be trusted; that he was a man of powerful intellect and a valuable legislator. Just let me read something which is aside from my own testimony. I have in my hand a newspaper clipping. Rev. Herbert S. Johnson is pastor of one of the largest of the Baptist churches in the city of Boston—the Warren Street Church. He formerly lived in my city, and lived within a stone's throw of my house. I know him to be an upright man, a man interested in civic matters, being especially interested in good government, as everybody in the city of Boston knows. Here is a statement that the Rev. Mr. Johnson made about this man, about whom a whole case here is tried to be built. I quote from the newspaper clipping:

In reviewing the work of Mr. Lomasney, Dr. Johnson said:
"Martin Lomasney is the one man I never understood until now. When I came to this city 19 years ago I heard of him as the boss of ward 8—'a rotten boss.' But soon after that I began to change my opinion, and I now believe he is a bold, fearless, and honest type of politician. I wonder if he isn't a second Moses who has come to lead the people of Boston to the promised land of affairs."

Again, I want to quote from an article from the Boston Traveler, a Republican newspaper—and I say that with no partisan intent, but I mention it because it would not naturally be favorably inclined toward Mr. Lomasney. This is from an editorial from the Boston Traveler of October 26, 1917. Speaking about the mayoralty contest in Boston this paper says:

This newspaper suggested some time ago that Martin Lomasney, a plain and practical politician, could and would make a splendid mayor. That suggestion has been echoed by other newspapers. Mr. Lomasney, if he would consent to be a candidate, could be elected.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. I have not the time to yield, I am sorry to say. I simply have brought that in for this purpose: Every place in this Chamber I find it brought up that this so-called boss has controlled the situation, and I know from the way that Members have talked with me that they have been influenced by a misconceived prejudice against Mr. Lomasney, when the whole question is not what Mr. Lomasney is or what he is not but whom the people of this district have elected.

I come down now to that question. Let me call this to your attention. The reason I am going to vote for Mr. Fitzgerald and not for Mr. Tague is this: I sat on election committees for four years and cases were brought before me. I remember particularly the Gaylord case, from Milwaukee, where charges of bribery were made. I am frank to say in this House that there was enough evidence there so that we could draw our own conclusions and surmise as to the kind of elections they were holding in the city of Milwaukee at that time, but there was nothing proven, and there was not one substantive fact on which we could base our conclusions, and no matter what our suspicions might be we were obliged to come in and say that the sitting Member had a right to his seat.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. PHELAN. Mr. Speaker, will the gentleman grant me three minutes more?

Mr. FITZGERALD. I yield three minutes more to the gentleman.

Mr. PHELAN. I sat in other cases, and one of the first principles I learned on that committee was that you have got to prove your case or this House can not stand back of the committee. I submit on all of the evidence that this committee has not brought in a proven case, to put it at its best, and I believe they have not the material with which to prove a case. Here is the whole point involved. They acknowledge that they have counted every single vote for the contestant, Mr. Tague, that could possibly be voted. They have given him the benefit of every doubt, and still Mr. Fitzgerald leads by 10 votes. There is only one way in which Mr. Tague can be seated, and that is through the method taken by this committee of finding that there has been illegal registration and throwing out those votes, and in throwing out those votes they have thrown out the votes of almost a thousand citizens of the city of Boston, many of whom are honest, admittedly so, many of whom admittedly had the right to vote, and as to the others there has been nothing proven, and I doubt if anything can be proven in this case. On the evidence submitted I can not vote to disfranchise 1,000 voters. In Massachusetts we have a law which allows the intent of the voter to determine where his residence is. That is the all-determining factor—the intent. All that is necessary to prove that intent is some evidence, some extraneous evidence, that there was that intent.

It is simply and solely a matter of intention. The committee rests their case entirely on this. They say because certain men, in many cases single men, or the testimony indicated certain single men, were found living some place else, that therefore they were not entitled to residence in ward 5. They have said the same thing about married men, and rested their case largely on the fact that when subpœnaes were sent out men registering in certain places on the 1st of April did not respond. I told a colleague in the cloak room to-day that I could find men in my city, or any other city, 25 men who registered in April, honestly and legally, who could not be found at a later date; that they were shoe workers who, when business got dull in the State of Massachusetts, went away to Cincinnati, or St. Louis, or Auburn, N. Y., to engage in the same business. A man has a right to change his residence, has a right to go outside of the State if he wants to do so, and his residence in Massachusetts is determined by his domicile on the 1st of April. Now, this committee has no evidence to show that these men were not properly under the Massachusetts law domiciled within the State of Massachusetts.

Mr. SHERWOOD. Were there any floaters?

Mr. PHELAN. I do not believe there has been a single man proved to be a floater. My friends, let us not forget in determining this case they are not charging wholesale repeating; they are not charging that the men registering in ward 5 were registered elsewhere; they are not charging that the men undertook to vote elsewhere; they are simply saying that because these men stopped at hotels, perhaps only a night or a week, that thereby they are deprived of having an opportunity to vote in the places they wanted to vote, which is ward 5 in the city of Boston. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, I would like to find out how the time stands again, if the Speaker pleases.

The SPEAKER. The gentleman from Georgia has 29 minutes, and the gentleman from Maine has 63 minutes, and the gentleman from Massachusetts [Mr. LUCE] has 45 minutes.

Mr. FITZGERALD. How much time has the gentleman from Georgia?

The SPEAKER. Twenty-nine minutes.

Mr. FITZGERALD. I think more than that, Mr. Speaker.

The SPEAKER. Thirty-nine minutes; the gentleman from Massachusetts [Mr. GALLIVAN] has 10.

Mr. FITZGERALD. As we have only got 29 minutes left on this side, it is up to the other side to do some talking.

Mr. GOODALL. Mr. Speaker, there is only one more speech on the side of the majority report, and we think the gentleman from Massachusetts [Mr. LUCE] should come in at this time with his speech.

Mr. LUCE. Mr. Speaker [applause], if time permits at the close of my remarks I shall welcome questions. First, let me present the motion I desire to have put at the close of the debate according to the agreement.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. LUCE, of Massachusetts, moves to amend the resolution recommended to the House by the Committee on Elections No. 2 in the contested-election case of Peter F. Tague *v.* John F. Fitzgerald, by striking out all after the word "*Resolved*," and substitute therefor the following: "That neither Peter F. Tague nor John F. Fitzgerald was duly elected a Member of this House from the tenth congressional district of Massachusetts on the 5th day of November, 1918, and that the seat now occupied by the said John F. Fitzgerald be declared vacant.

Mr. LONGWORTH. If the gentleman will yield before he begins his argument, will the gentleman state what the vote was in the primary? I do not find it.

Mr. LUCE. The vote at the primary was Fitzgerald, 5,022; Tague, 4,972; Fitzgerald winning by 50 votes.

Mr. OVERSTREET. Mr. Speaker, I make the point of order of no quorum. Mr. Speaker, I will withdraw that. I desire to explain to the Members that my only purpose was to get a good attendance; that is all.

Mr. LUCE. Mr. Speaker, the Committee on Elections No. 2 has this afternoon its brief period of glory and then will vanish from the stage. It may console itself for the brevity of its grandeur by reflecting that at any rate it is better off than those committees which like the moon never shine except by reflected light.

> The rose that lives its little hour
> Is prized beyond the sculptured flower.

We living our little hour crave your attention to this our only opportunity to impress you with our importance.

Sir, speaking more seriously, it may be well understood that the unkind fate which made me a member of this committee brought to me much embarrassment. Not alone have I been on amicable terms with the two gentlemen whose fortunes are involved, but also with counsel on either side my relations in legislative service have been intimate. Under these conditions there was nothing for a man attempting to do his duty but to remember that justice wears a bandage, and if I could but persuade you for these few minutes to bandage your eyes and not look upon the personality of either man involved, then I might have some hope that you would follow me in my conclusions.

Let me, if I can, lift this discussion out of the realm of personal politics and bring it to that plane where alone a contested-election case may engage the attention of the House with propriety. I must indeed for a moment and but briefly, for the matter has already been touched upon, make personal reference, for in part my case is based upon the contention that Mr. Tague ought to come into this court of equity with clean hands. I feel justified in calling to your attention the fact that twice he received the bounty of Martin Lomasney, and that it was when on a third occasion he sought for this bounty and failing to receive it he protested against the authority of the leader and his methods. It has been intimated that he did not largely profit by this bounty. I recall to you, sir, that when he first ran for Congress in the primaries he was opposed by Mr. Kelliher, and he defeated Mr. Kelliher by help from the very ward which he now denounces and the very leader whom he now denounces.

So dismissing these personal affairs, let me ask you to consider matters more important, to consider higher things as they have to do with political science and the welfare of the Nation. Let me ask you to look with me at a problem that has vexed the politics of this land now for more than half a century. When it began to be serious it was far from new. Go back to the year 1792 and you will find that John Jay was deprived of the governorship of the State of New York because his friends followed the advice of a capable lawyer, Mr. King, who said that when a sheriff had recently retired from office and none other had been appointed to succeed him, he nevertheless might properly, as the de facto official, convey to the capitol the 400 votes of a certain county. Aaron Burr, with characteristic shrewdness, said that would vitiate the votes. They were thrown out, the county was disfranchised, and the election went to George Clinton, Jay refusing to contest.

At the same time, in the Second Congress, this question which you must once again face came in the contested-election case of Gen. James Jackson against Gen. Anthony Wayne, the hare-brained hero of the Revolution. Jackson was not far behind Wayne in eccentricity.

It is said when he addressed the House—and Fisher Ames is responsible for this reminiscence—Jackson bellowed so loudly that it was necessary for the Senate to shut the window in order to keep out the din. In the case of the eccentric Wayne against the mercurial Jackson the House was confronted by the very same problem you have before you to-day. In passing I may wish for both these contestants a future equaling that which followed this famous contest, for in the next year Gen. Wayne was made General of the Army of the United States and departed for the memorable campaign against the Indians of the Northwest, and Gen. Jackson became the governor of his State and United States Senator. And so if we treat both these gentlemen as the Congress treated Gen. Jackson and Gen. Wayne, perhaps the same happy future may follow them.

What happened? By unanimous vote they unseated Wayne. A long debate followed in which Jackson urged that the votes of certain counties should be rejected. On the question of seating Jackson the Speaker's vote made a tie, and the seat was declared vacant. I ask you to follow to-day the very first congressional precedent in this regard.

If any of you have done me the honor to read my minority views, you will find there the history of this matter in greater detail than I must now attempt to give it. You will find that in the following year the question arose again, and there, too, it was decided as I now advise you to decide this. Not long afterwards, in McFarland versus Culpepper, almost the same class of irregularities was cited, and again the rejection of entire polls was refused. In the case of Easton versus Scott, although the committee desired a decision by rejecting a poll, the House directed the committee to get evidence out in the Missouri Territory. Traveling was bad and costly in that day, and so the committee balked. In the end the seat was declared vacant. For 70 years, invariably, the House refused such advice as that which the majority of the committee now gives you. Invariably they said they would not decide elections by throwing out single polls.

Before I come to a change in the landscape, permit me to tell you why this is the very nub of the question. It has been settled, accepted by all the authorities, that there is a difference between fraud committed by election officers and fraud otherwise committed. Mr. McCrary, in his Law of Elections, says that—

> There is a difference between a fraud committed by officers or with their knowledge and connivance and a fraud committed by other persons, in this: The former is ordinarily fatal to the return, while the latter is not fatal, unless it appear that it has changed or rendered doubtful the result. If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result. The reason of this rule is that an officer who betrays his trust in one instance is shown to be capable of the infamy of defrauding the electors, and his certificate is therefore good for nothing.

There began about 70 years ago a series of precedents upon which my friends of the majority rely, and which very likely they will comment upon later, in cases very largely consisting of frauds by officers. Let me point out to you that it has generally been held that fraud by officers may justify the exclusion of polls. On the other hand, what is the doctrine in regard to other kinds of fraud? Let me read to you a decision in my own State which has been held a leading authority in the matter, the case of First Parish, and so forth, *v.* Stearns (21 Pick., 148). Mr. Justice Morton—a name illustrious in our judicial history—said:

> It is no objection to an election that illegal votes were received, unless the illegal votes changed the majority. The mere fact of their existence never voids an election. This is so plain a proposition that it needs no authority to support it. It is the principle adopted and acted upon in all cases of contested elections, whether in the British Parliament, the Congress of the United States, the legislature of this or any other of the United States.

Therefore it is held—and this directly bears on the situation here—the mere fact that illegal votes were received does not warrant changing the majority.

I ask you to take with me the ground that there was some measure of illegal registration and colonization in the Massachusetts district now in question. We need not dispute over its extent. The margin of votes in the election was very small. A very little illegal registration and colonization would suffice to make the result of this election doubtful, and that far I go with the majority of the committee. I concede, I confess, I contend, that there was enough illegal registration and colonization to make the result doubtful. I do not desire to take the time to discuss whether there was so much colonization as to warrant the extreme to which the other party went, for I desire to stop right there before going on to the next——

Mr. LONGWORTH. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LONGWORTH. One thing that disturbs me about my vote on this question is that, assuming that there was some fraud or colonization or importation, it seems to me rather remarkable that in a district with a population of some 217,000, with an organization so strong as the organization credited to Mr. Lomasney, with fraud, colonization, and the expenditure of a large amount of money, it was found impossible to secure more than seven thousand two hundred and odd votes for the contestee in this case. That seems to me to be a very remarkable fact, if there was fraud or colonization.

Mr. LUCE. Mr. Speaker, if there was great fraud and colonization it would be truly remarkable, and that is why I do not desire to argue that aspect of it. But it has been commonly known for a generation that in this the heart of the business center of Boston there have been two classes of voters whose right to vote might be contested and ought to be contested; one made up of well-to-do residents of the suburbs, who, for the sake of business, social, or political considerations, pretend to have a residence in certain Boston hotels; and, secondly, a considerable number of men who sleep in lodging houses and who disappear very quickly after registration.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for another question?

Mr. LUCE. Certainly.

Mr. LONGWORTH. Is it not a fact that the total vote at this election was smaller than usual in this district?

Mr. LUCE. Mr. Speaker, I have not examined that phase of the case.

Mr. LONGWORTH. I have attempted to go back in the directories, but I find it is impossible to be accurate, because the district has not been exactly the same. But two years before a larger total vote was cast in that district than in the last election, and if this was a district in which there was a large amount of money spent and colonization and fraud, it seems to me a remarkable circumstance.

Mr. LUCE. The fact is, in my judgment, that there was no greater amount of fraudulent voting and registration and colonization in this ward than there had been for many years. Sixteen years ago it so happened that I, as house chairman of the Massachusetts committee on election laws, was compelled to lead a fight in the legislature to attempt a remedy for precisely the same situation, and I could read to you from the Massachusetts case of Splaine against McGahey, which took place nearly 20 years earlier, evidence showing that this same state of affairs existed even then. The situation has been notorious for more than a generation.

Now, if I may pursue the tenuous thread of my remarks—for I fear it is but a gossamer thread and may easily be broken off completely——

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. GARD. I am interested in the legal aspects of this question, and I wish the gentleman to inform me, as well as the House, upon what facts the gentlemen of the committee threw out the three election precincts of Boston and thus deprived approximately 1,000 voters of an opportunity to exercise their right of suffrage at the election?

Mr. LUCE. It was the allegation that the greater part of the men who were charged with illegal registration were registered in those three precincts, to which the committee gave particular consideration. As a matter of fact the contestant had alleged that the same state of affairs existed in another ward, but he brought in no scintilla of evidence in proof of that. He abandoned the contention and confined his evidence to these three precincts, summoning from them witnesses who in large numbers could not be found or else who evaded the summons and refused to assist the Congress of the United States in reaching an honest and a wise conclusion.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there for information?

Mr. LUCE. I will.

Mr. BLANTON. Does the gentleman mean to tell the House that this committee decided this important question upon allegations, not upon evidence? Does he contend that it was merely the allegations of the contestant, and not evidence that he produced in support of his allegations, upon which they brought in this majority report?

Mr. LUCE. If I did not supplement the word "allegation," as applied to the three precincts in question, with the words "and the evidence relating thereto," I ought to have so done. I am justified in using the word by itself in relation to the other ward, because he produced no evidence from that other ward to back up the charge in his brief.

Mr. WILSON of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. WILSON of Louisiana. The majority report says that in this ward 5 the result of investigation showed that 316 persons had voted, and there was prima facie evidence that these votes were fraudulent. Of course, that would indicate that they found evidence upon which at least 316 votes had been rejected. What has the gentleman to say as to that evidence?

Mr. LUCE. I will say this, Mr. Speaker, that I have some ground for averring it is not my business to support the majority report.

Mr. WILSON of Louisiana. I did not ask the gentleman that question. I asked him if there was any evidence to sustain the action of the committee as to these 316 votes, according to the gentleman's opinion of it.

Mr. LUCE. I would prefer that the gentleman ask the question of the gentleman from New Jersey [Mr. LEHLBACH], who in behalf of the committee will follow me. I want to use my own time in supporting my own contentions and not his.

Mr. WILSON of Louisiana. What are your contentions?

Mr. LUCE. My contentions, sir, are that there was some fraud in this district; that the margin is very narrow; that a reasonable man is warranted from a study of the testimony in reaching the conclusion that it is impossible to say which man was elected.

Mr. WILSON of Louisiana. Of course, the whole thing hinges upon these votes.

Mr. LUCE. May I ask, Mr. Speaker, that the gentleman will discuss the matter with the gentleman from New Jersey, with whom he may have a quarrel, and not with me?

The SPEAKER. The gentleman has control of his own time. He is not obliged to yield.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CANDLER. I want to ask how many votes are shown by this report to have been polled in those three wards?

Mr. LUCE. About 956.

Mr. CANDLER. About 956?

Mr. LUCE. Yes.

Mr. CANDLER. There are over 300 in the three precincts?

Mr. LUCE. There are 316 in the three precincts—4, 8, and 9.

Mr. CANDLER. There are 316 that are attacked as fraudulent registrations?

Mr. LUCE. By the majority.

Mr. CANDLER. Then is there any evidence to show for whom these 316 voted, whether for Mr. Fitzgerald or Mr. Tague?

Mr. LUCE. No. That is the point.

I want to take up my argument again. I have shown you, gentlemen, that, according to all the precedents and authorities, it is necessary to prove, in order to change the result in this fashion, either that there was fraud on the part of officials—and no contention of that is made here—or that other fraud was sufficient to change the majority. The courts have repeatedly held in the course of nearly a century that this ought to be proved before a precinct is rejected.

Let me emphasize, as one of the landmarks of my journey, that this ought to be proved before we reject the vote of these precincts.

Next, if I had the time at my disposal I could give you enough citations to satisfy you of the contention that the poll of a precinct should not be rejected if it is possible to ascertain the number of fraudulent votes. Was it possible in this case to ascertain the number of fraudulent votes? It was not, in my judgment. Since these early rulings were made by the courts the Australian ballot system has been perfected. It is a matter of doubt whether a man can be forced to testify how he voted under the Australian ballot. There are those who contend that if he voted fraudulently he can be compelled to testify, but his testimony in any case would be of no value. Such testimony can not be supported. It is the uncorroborated statement of a man who has the motive to tell an untruth. Therefore testimony by the voter himself does not help. Fifty years ago testimony could be secured aliunde, as the lawyers say, from the surrounding circumstances, from the man's declarations, and other things, but to-day, with our modern system of voting, it is impossible to find out how men vote. Unless these men could have been summoned before our committee and inquiry made of them, even the attempt to ascertain these facts would not have been achieved. But not even the attempt was made. In my judgment it was impracticable under the circumstances of the case. Therefore I contend that it was impracticable to comply with the requirements which the judgments of the courts say are imperative before the poll of a precinct may be rejected because of fraud other than that of officials.

Returning to the historical phase of the problem, let me recall that soon after the middle of the last century there came into the politics of the country an exceedingly pernicious and baneful theory. There is profit sometimes in tracing a judicial or legislative doctrine to its very source. You may find it in some pellucid spring where the water gushes out of the rock amid the mosses and the overhanging boughs with complete purity. You may find it oozing out of some dank and loathsome swamp, unfit to drink, nauseous to the smell, horrible in all its aspects. I will not say that this doctrine originated in such a foul source, but I will point out to you that its origin brings to us no guaranty of purity. It originated in its modern applications by the courts in that most unfortunate of quarrels, a church row. It originated in the case of Juker *v.* The Commonwealth (20 Pa. State, 484) in 1853, where a church election had been held partly in a school yard and partly in the schoolhouse, and the court threw out the votes cast in the yard.

That was taken advantage of four years later for a dictum by the courts in the case of Mann against Cassidy, when the court said that under certain circumstances they would have been bound to throw out all the votes in certain precincts.

Upon the decision in this church quarrel and the dictum in Mann against Cassidy the courts in Pennsylvania established a

long line of decisions in contested-election cases of the next 15 years. There were men strong enough to protest. You will find in the minority report dissenting opinions of various justices of the court. Particularly would I emphasize the words of Chief Justice Thompson, who said:

I maintain that there is nothing which will justify the striking out of entire divisions but an inability to decipher the returns or by showing that not a single vote was polled or that no election was legally held. If anything short of this is to have effect, the right of every elector is at the mercy of the election officers.

Nevertheless this pernicious doctrine prevailed so extensively in Pennsylvania that it was very readily brought into the practice of Congress.

Before the Civil War bitter partisanship had begun to smirch the records of election contests. In 1860 and in subsequent years again and again there was resort to this partisan device of throwing out certain precincts. So it is quite natural when we come to the memorable contest between the two great parties over the election struggle between Hayes and Tilden that we should find there, down at the core of the dispute, this same dubious question. Years have passed. Partisanship no longer flames with such bitterness as then marked political strife. To-day, looking back with some attempt at impartiality, we may say that both sides were guilty of offenses against law and decency, and both sides established records of which in later years they could have been proud only on the assumption that their purpose warranted their method.

For example, in the city of New Orleans one poll was thrown out because the commissioners of election had written the figures "249" so that the figure "9" was doubtful. You could not tell whether it was a "9" or a "7." Because of that they threw out not alone the vote for the presidential elector concerned, but they threw out the vote of the precinct for all the electors.

There were more than 20 parishes in Louisiana which were thrown out on one pretext or another. The same sort of thing took place in Florida. I feel warranted in saying that in the contest of 1876 this doctrine showed its dangers, its pernicious possibilities, to a degree that ought to make it forever reprehensible in the consideration of election cases.

It was resorted to repeatedly thereafter, and my friend who is to follow me can truly tell you there is much precedent for his contention that it is proper, in view of the decisions he will doubtless name, to throw out isolated precincts. Yet such are the dangers of the practice, such are its inequities, such are its iniquities, that I take this opportunity to protest against it and to implore the House of Representatives to eliminate from the public life of our land, so far as it can be done by the precedent established to-day, the theory that in order to make one side or the other prevail, in order to advance the interest whether of a political party or of an individual, you may disfranchise by the wholesale American citizens who have honestly cast their votes. [Applause.]

Mr. HUSTED. Will the gentleman yield?

Mr. LUCE. I have but 10 minutes more. I do not know whether I shall have time to yield or not. I desire to round out my argument, if I may. What are the further objections to this practice? In the first place, that it puts the electorate at the mercy of rogues and rascals, who by vitiating the conduct of an election may accomplish purposes which are often venal in their origin and never unselfish and patriotic. Secondly, you punish innocent candidates who may have had no share whatever in the corruption and the irregularities that are charged. Thirdly, you punish innocent voters of the whole district, not alone those of the precincts that you reject but the voters of the rest of the district, whose will would have prevailed except for this exclusion. Then, fourthly, you punish the people, because the purpose of an election is to ascertain the will of the majority. What primarily concerns you here is not the seating of Mr. Fitzgerald or Mr. Tague, but what primarily concerns you here is the right of more than 300,000 human beings in a congressional district to have such representation in Congress as a majority of them desire.

I will tax the patience of the House but a few minutes longer. I would not have talked at this length had it not seemed to me that a question of principle is underneath the proposition before you which is greater by far than any question of personality. It is not alone a question that may on some future occasion affect your political future or my own. It is a question that may affect the destinies of the whole land. For our American civilization is founded on the belief that the majority shall rule. You may say that this is a conventional doctrine, you may assail it from the viewpoint of the political philosopher, and argue that it has no sanction or authority in itself. Nevertheless it is the very corner stone of democracy. Ever since Anglo-Saxon civilization rose out of the murk of the Middle Ages, to gain power throughout all the world, its political achievements have been based upon the acceptance of the doctrine that the majority shall prevail. Nothing can be more important than to maintain and protect this doctrine. Nothing is more vitally necessary to the safety of the people in these serious times, or will be in those even more serious that are soon to follow, than to let every man know that he is the equal politically of every other man, and that his vote shall count equally with that of every other man. He should be assured that whether rich or poor, learned or ignorant, whether schooled in colleges or only in the study of mankind itself, every man in this country shall be on a level of equality with every other man to express his belief as to what shall be the course of government. That it is which has made suffrage the most important of all the questions that ever perplexed a legislative body.

As a member of a legislative committee dealing with this subject for many years I found there were those who thought it was of small importance, and desired to pass on to what they conceived to be greater things. And yet I firmly believe that this is of all political topics the greatest. It is the one thing that underlies everything else.

The proudest fact, the kingliest act
Of freedom, is the freeman's vote.

If to-day you declare that by reason of the charges of corruption made in a small part of a congressional district the will of that district ought to be thwarted, if you say the corruption perpetrated by any one man or group of men shall discredit the suffrage of a thousand men qualified to vote, you will by so much increase the fear on the part of the masses of our people that their rights shall be taken away from them, their object interfered with by a legislative body or by some other power profiting by its example.

So I have tried to bring this question out of its atmosphere of personal complication. I have tried to lay before you my conclusion, reached after the most patient study of this case, that there has been enough fraud to make it impossible to say who was elected. I have tried to make it clear to you that under these circumstances we should say to these men, "A plague o' both your houses." Let us send this controversy back to the people, that they may tell us clearly what they want. Thus we may incite the Legislature of Massachusetts to remedy such defects as there may be in their election laws. Thus we may incite the people of this district to higher standards of political morality than have there prevailed. Thus we may advance the welfare of the people themselves by telling them that the Congress of the United States will not undertake to decide election contests on personal considerations; that it will not undertake to follow precedents that have proven to be inimical to the welfare of the people, but that from now on it will by establishing this precedent to-day declare that whenever it is impossible to ascertain the will of the people in the customary fashion the election shall be held once more; that there may be every opportunity for the majority to rule.

Mr. YATES. Does the gentleman say that there is no evidence of fraud?

Mr. LUCE. Not at all. There was evidence of fraud. There was enough evidence of fraud to make it impossible to determine which man received the plurality of votes duly and legally cast.

Mr. CONNALLY Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNALLY. I believe the gentleman said there was no more evidence that there was fraud in this precinct than there had been in elections for a number of years in the past. Did not the gentleman make that statement?

Mr. LUCE. To the best of my belief I am justified in that statement.

Mr. CONNALLY. What assurance has the gentleman that if they have another election that practice which has been going on for a number of years would not occur again?

Mr. LUCE. Mr. Speaker, at the time to which I refer, in 1903, we were able in the Legislature of Massachusetts, in the controversy of which I have spoken, to improve some of the laws governing these matters. Since then students of the subject have discovered other means by which it may be possible to make more certain the expression of the electors' will, and I am in hopes that if we thus teach this district the importance of enacting that legislation it will cooperate with the legislature in perfecting the laws.

Mr. KINKAID. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. KINKAID. Do they have official challengers at the polls on election day?

Mr. LUCE. We do not.

Mr. KINKAID. Does the gentleman not think that system would improve the administration of elections very much?

Mr. LUCE. I am not acquainted with the system, and so I could not answer.

Mr. HUSTED. Mr. Speaker, in view of the gentleman's position that in this case it is impossible to fairly determine which candidate was the choice of the people, I would be very much interested in getting the gentleman's reason for rejecting what has been generally considered a rule in these cases, that where the result is in doubt, the sitting Member is entitled to the benefit of the doubt, or, in other words, that the burden of proof is upon the contestant to show his right to the seat.

Mr. LUCE. Mr. Speaker, it was proved to the satisfaction of a majority of the committee that there has been enough irregularity and fraud in this district to make it impossible to ascertain who was elected. There were within the committee itself some differences as to the extent to which that might be carried, but, for my own part, I was quite certain that in view of the closeness of the vote there has been at least enough fraud proved to make it impossible to determine who was elected.

Mr. GARD. Mr. Speaker, would the gentleman state what that fraud was?

Mr. LUCE. The fraud was of two classes——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. Summarily it may be described as illegal registration.

Mr. OVERSTREET. Mr. Speaker, I would like to ask the gentleman a question, and in order to do so I yield him one minute of my time. Does the gentleman say that there was a single illegal vote cast for Mr. Fitzgerald? Can the gentleman point to the record and show that there was a single illegal vote cast for Mr. Fitzgerald in that ward?

Mr. LUCE. Mr. Speaker, I do not dare answer that question. Although I spent many, many hours reading the evidence, I should not want to be specific as the gentleman asked me to be. If there was any evidence, there was very little of it, and there was no evidence that a single one of these voters whose right to vote is now challenged did vote for either of the two candidates here concerned.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. GOODALL. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, there is not a statement of fact incorporated in the report of the majority of this committee, there is not a finding of fact that is not based upon the evidence taken in this case and based upon the uncontradicted evidence in the case, because throughout the defense there has been no testimony introduced to rebut a single allegation upon which your committee has based its findings. The committee has approached the question with an open mind and with great painstaking in the examination of the voluminous testimony that was taken in the case. There are many allegations of fraud and irregularities which the committee has found some evidence to sustain, but the committee has not incorporated such findings in its report, because it rested its case solely on the unquestioned fraudulent and illegal registration which was prevalent in the three precincts named in this report—the fourth, eighth, and ninth precincts of ward 5. The evidence in the case, which everybody who desires to read the testimony can find for himself, is that there were investigations made and it was found by inquiry at the residences given of voters who were registered and who had voted in this election that these particular voters did not in fact live in the places from which they registered and voted. There are in this testimony at least 300 or more specific instances of names and addresses of voters given who, the testimony shows, did not live where they voted from, and they had no right to vote in the election in the precincts in which they did vote.

Mr. BURROUGHS. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BURROUGHS. Was there any evidence before the committee as to how those three hundred or more gentlemen voted in this election?

Mr. LEHLBACH. Not directly; but in view of the fact that your committee finds that over three hundred fraudulent votes were cast in these precincts, and in view of the fact that one hundred and twenty votes only were cast for Peter Tague in all those precincts, we know that at least the difference between three hundred and more and one hundred and twenty were illegal votes cast for the contestee.

Mr. LONGWORTH. Mr. Speaker, will the gentleman restate those figures?

Mr. LEHLBACH. I say that this committee finds as a fact upon the evidence in the case, on the sworn testimony and not upon hearsay or rumors, but upon the facts proved in the case, that considerably over 300 illegal votes were cast in these three precincts, and that the total vote cast for Peter Tague in those precincts was only 120.

Mr. LONGWORTH. How many votes were cast in ward 5 altogether?

Mr. LEHLBACH. I have not the figures for ward 5; but the total votes cast for Congress in those precincts was 906, of which Mr. Tague received 120, and at least one-third, your committee found, were fraudulent votes cast by people who did not live in that district.

Mr. LONGWORTH. I find that two years ago the total votes cast in that district were 16,834.

Now, last year there were 15,293. In other words, considerably more than half the votes cast two years ago more than this year, although——

Mr. LEHLBACH. Those fifteen thousand two hundred and odd votes were cast for Members of Congress. The total number of votes in the congressional district was over 16,000, approximately the same as in the election of two years ago. In that election, the gentleman will remember, it was a presidential election, in which from 15 to 20 per cent greater vote is cast in every congressional district where the vote is free and they can come to the polls, and the small number of votes cast is due to the fact that there is a great unnaturalized foreign population in this ward.

Mr. LONGWORTH. That is the reason I asked the gentleman what was the total vote in ward 5—what the respective candidates received in ward 5. Has the gentleman those figures?

Mr. LEHLBACH. I have not where I can handily refer to them. They are in the report and my compilation which I have made for the sake of argument refers to the three precincts over which the controversy is brought.

Mr. KINKAID. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. KINKAID. Will the gentleman advise the House as to whether there is any evidence adduced tending to show at whose instance, if it be anybody, or any manager or any boss, that the supposed illegal votes were cast?

Mr. LEHLBACH. I will answer that. Both at the primary evidence of gross illegal registration of fraudulent votes existed, and in view of the fact that the same condition obtained in the election based on the election returns, your committee did not report the findings on the primary in its report. But in the primaries there was an appeal to the Boston election commission and appeal to the ballot-law commission of Massachusetts, and subpœnaes were issued in due course to those men who were alleged to be illegal voters. Some were found and refused to obey the subpœna, and others could not be found to obey the subpœna in this primary contest——

Mr. RAKER. Will the gentleman yield?

Mr. LEHLBACH. I want to answer this question first. It was suggested at the hearing before the ballot-law commission that the case of the contestee would be prejudiced by the persistent refusal to obey the subpœna on the part of these voters, and Mr. Martin Lomasney, the head of the organization which had charge of the contestee's election in this ward, marched into the place where the ballot-law commission was sitting at the head of 45 of these men who were alleged to be the men upon whose names votes had been cast. He admitted he brought them in. He admitted the organization brought them in, because he thought there was some misapprehension, and at the congressional hearing they asked him to bring in a list of the Hendricks Club, which was the organization through which he worked, of these men whose right to vote was challenged, and who it was admitted were under his control, and yet he said, "I will not do it."

Mr. RAKER. Now, will the gentleman permit a question?

Mr. LEHLBACH. Yes.

Mr. RAKER. In ward 5, precincts 4, 8, and 9, how many votes were cast for Mr. Fitzgerald? Does the gentleman know?

Mr. LEHLBACH. Six hundred and some odd votes.

Mr. RAKER. Just in those three precincts?

Mr. LEHLBACH. Six hundred and seventy-four were cast for Mr. Fitzgerald.

Mr. RAKER. How much for the contestant?

Mr. LEHLBACH. One hundred and twenty for Tague.

Mr. RAKER. Now, one further question: I understand the committee found there were 316 voters illegally registered and of that number 188 failed to appear when subpœnaed?

Mr. LEHLBACH. Yes.

Mr. RAKER. One hundred and eighty-eight could not be found, or practically refused to appear. Were any of those who did appear examined as to who they voted for?

Mr. LEHLBACH. They were. I have here a compilation of the names of the witnesses who appeared and whose right to vote was challenged, and with the exception of a few every one of those by the testimony out of their own mouths were shown to have no right to vote where they did in this election.

Mr. RAKER. Just one question. I would like to develop further——

Mr. LEHLBACH. One more question, and then I must decline to yield further.

Mr. RAKER. Were the witnesses examined as for whom they voted? For instance, if they were legal voters, you could compel them to state how they voted. Were they asked for whom they voted?

Mr. LEHLBACH. No; they were not.

Mr. RAKER. On neither side?

Mr. LEHLBACH. They were not.

Mr. WILSON of Louisiana. Will the gentleman yield for one question?

Mr. LEHLBACH. For a question.

Mr. WILSON of Louisiana. I understand when the committee counted these votes that there was a difference of 10?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. In those three precincts, ward 5, there were 906 votes cast?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. And a majority of the committee says that 316 were fraudulent?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. I want to know on what kind of evidence the committee based that statement that 316 of them were fraudulent votes?

Mr. LEHLBACH. Why, by the testimony of witnesses who had made personal investigation at the places where these men alleged they lived and found they did not reside there, and that supplemented by subpœnas of witnesses from places where they alleged they lived and where in truth they did live. It was proved in a large majority of cases they did not live where they claimed to live and vote, and the others could not be found in the district at all.

Mr. WILSON of Louisiana. If you had taken the 316 votes as being fraudulent and made a proportionate calculation, what would have been the result?

Mr. LEHLBACH. These 316 votes were taken to be the sum total of the fraudulent votes in these three precincts, and if they had been distributed over the 677 that Mr. Fitzgerald had and those that Mr. Tague had, Mr. Tague would have had a plurality of the votes. That ought to settle the question. Your committee did not feel justified in bringing in a finding that Mr. Fitzgerald was not elected and Mr. Tague was elected on that basis and rest there, because the committee believes from all the evidence that 316 votes were not by any means the sum total of the fraudulent votes. And in the second place——

Mr. REAVIS. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. REAVIS. As to the 316 fraudulent votes which the committee found, were those made up of the total of the men concerning whose residences witnesses testified did not live within the precinct, plus those men whom you could not find by subpœna?

Mr. LEHLBACH. No, sir. Every one of these 316 is based on testimony that they did not reside in the district, and is supplemented either by the absence of those who did not appear and could not be found, and whom it was shown by women and relatives who testified that they lived in some place entirely different, and of those who were known and were in the district and could be found, but refused to obey the subpœnas, knowing that their votes were challenged in the place where they did vote, yet who did not come in, though being in Boston, and served by the United States marshal, to testify as to the votes they cast.

Mr. REAVIS. As I understand the gentleman, there was testimony that 316 of these voters did not live where the registration represented them to have lived?

Mr. LEHLBACH. That is correct.

Mr. REAVIS. Now, was that testimony disputed?

Mr. LEHLBACH. That testimony was not disputed by a single bit of evidence.

Mr. REAVIS. It is in this record without dispute that 316 of these voters did not live in that district?

Mr. LEHLBACH. The record does not dispute the evidence in that respect.

Mr. ELSTON. Will the gentleman yield a moment? Some question has been made here as to whether it is shown by the record how these illegal registrants voted, whether for Fitzgerald or Tague, the presumption being, on that account, that it must be shown they voted for Fitzgerald. Will the gentleman discuss the law of the proposition as to the right to throw out precincts where fraud is alleged, and it is not shown how the parties voted, whether for contestee or contestant?

Mr. LEHLBACH. I will a little later.

Now, the gentleman from Massachusetts [Mr. PHELAN] has stated here on the floor in a casual way that there exists a law in Massachusetts which allows a man to live with his family in one place and for the purpose of voting maintain a residence somewhere else. There is no law like that in Massachusetts at all. The law as to the right to vote is embedded in the constitution of the State of Massachusetts, and this is what the constitution of the State of Massachusetts, as originally drawn and adopted by that Commonwealth, and as it still exists to-day, says:

Chapter II, section 2: And to remove all doubt concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State in that town, district, or plantation where he dwelleth and hath his home.

That is what a voting residence means under the law of the State of Massachusetts; and your committee has not got such long ears that it will sit around a table and listen to such testimony as this, that a man lives with his wife and three or four little children in the town of Dorchester, that he goes to church there, that he entertains his friends there, that he sends his children to school in Dorchester, but that on the 1st of April he goes to some lodging house in the fifth ward to sleep overnight for the purpose of voting, that that man lives and dwells and has his home in the fifth ward of Boston. That is the testimony in hundreds of cases. We show in these three precincts that the registration is padded to the extent of at least one-third of the total number of votes there, and presumably to a greater extent than that.

Mr. REAVIS. Did the contestee, Mr. Fitzgerald, testify in this case?

Mr. LEHLBACH. He did not.

Mr. REAVIS. Was he invited to testify?

Mr. LEHLBACH. He was, repeatedly.

Mr. FITZGERALD. Mr. Speaker, by whom?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Massachusetts?

Mr. LEHLBACH. I do not. It is in the record that before the conclusion of your case, on several occasions, it was suggested that you testify. That can be read in the record.

Mr. FITZGERALD. It may have been suggested; but I was never invited and never testified, and I was around the courthouse all the time. There was no reason why I should prove the contestant's case.

Mr. LEHLBACH. Now, Mr. Speaker, there are two classes of these illegal voters. One class is the "mattress" voter. That term was injected in this case by Martin M. Lomasney. It means a man who lives somewhere else and goes to a lodging house in order to be registered on the 1st day of April, and who votes from there. He so informed the committee in his testimony. That was one class of illegal voters that existed. These men were bartenders, porters, lodging-house keepers, and so forth. There is another large class that was registered from lodging houses. Thirty-two votes were registered from one room in a place in Causeway Street, which Mr. GALLIVAN and other gentlemen from Boston call the "louse" house. These men can not be found at all, and, in fact, were probably never there.

When these people were summoned to appear and bring their hotel registers, with one exception, it was found that every single one of the 13 had destroyed their registers before Congress could examine them. That is evidence of the way the thing was worked.

Now, as to this class of voters, let me read at random from the testimony of one witness who did appear—Mr. Abraham Finkelstein. I read:

Q. What is your name, Mr. Finkelstein?—A. Abraham Finkelstein.
Q. How old are you, Mr. Finkelstein?—A. Thirty-six.
Q. Where do you live?—A. 77 Savin Street, Roxbury.
Q. That's in ward 16?—A. I couldn't tell you what ward it is in.
Q. But it is in Roxbury?—A. Yes, sir.
Q. And 3 or 4 miles away from ward 5?—A. Oh, I believe so.
Q. And where do you vote from?—A. Down at a lodging house, 75 Causeway Street.

That is down in this territory.

Q. And why do you vote from a lodging house, 75 Causeway Street?—A. I have always voted in the West End all my life. I don't suppose that's any hindrance.

Q. How did you happen to do it that way?—A. The people ask me to vote there, and put your name on the list; something like that.
Q. By "people" you mean whom?—A. Well, half a dozen in particular. When it comes certain times, they ask you if you are still going to vote; they simply take care of you.
Q. Who are they?—A. I don't believe I know any of them by name, to call them by name.
Q. Members of the Hendricks Club?—A. I suppose they are.
Q. They took care of you that way?—A. Yes, sir.
Q. As a matter of fact, you have lived out there with your mother 10 years?—A. Ten years.
Q. And this is the practice; you have continued your name in this place all this time?—A. Yes. I go down there and they tell me where they will put me. I don't go disputing about it or bothering about it.

That is the practice. Then, on cross-examination:

Q. What I am trying to get at, you sleep when you go home in Roxbury; where do you consider your voting residence to be, Mr. Finkelstein?—A. 75 Causeway Street.
Q. And you ask people there to preserve that as your voting residence?—A. I don't believe I ever asked them; I don't believe I did ask them. They simply say they will put you here or put you there, and that's all there is to it.

All he has got to do is to vote. And there are hundreds of such cases in these three precincts. [Applause.] These three precincts are just saturated with that kind of thing.

Mr. BROOKS of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BROOKS of Pennsylvania. So much weight has been placed upon the illegal registering of voters that I wish to ask the gentleman if these men had not voted in the places where they did vote, would they not still have voted in the same congressional district?

Mr. LEHLBACH. Oh, no.

Mr. BROOKS of Pennsylvania. Are you sure about that?

Mr. LEHLBACH. Yes. This congressional district comprises the first six wards of the city of Boston, and the places where the mattress voters come from are the suburban towns.

Mr. BROOKS of Pennsylvania. That is only a part of the district?

Mr. LEHLBACH. Yes. If we confine our findings to the 316 cases and deduct them pro rata, Peter Tague is elected. But why should we deduct pro rata these crooked votes when we know that the registration lists were padded under the direction of the boss, who was supporting contestee? When you inquire into those districts you find that they are 33⅓ per cent crooked. We say we can not consider them in canvassing the result of the election; but that is no reason why 16,000 voters in this congressional district should be deprived of their right to vote for whom they want. And, setting aside these three crooked precincts which were overwhelmingly for Fitzgerald, and where any considerable number of crooked votes could not possibly have been cast for Peter Tague, we say that Mr. Tague was duly elected from the district by a handsome plurality, either when considered on the original returns or on the corrected returns.

Mr. BENSON. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BENSON. Were not these names on the registration books for years? Were they not there when you voted for governor?

Mr. LEHLBACH. Well, we have shown conclusively, I believe, that this was not an innovation, but had existed for a number of years.

Mr. BENSON. These men had been on the books for years?

Mr. LEHLBACH. They had.

Mr. BENSON. And they had attempted to vote elsewhere in Massachusetts, where they had a regular residence?

Mr. LEHLBACH. I do not know. There is no evidence that any of these votes were cast by men who voted elsewhere. That is simply an assertion made on behalf of the contestee.

Mr. BENSON. There is no evidence that these men voted in two places in Massachusetts?

Mr. LEHLBACH. There is no evidence that they voted in two places in Massachusetts, and there is no evidence to show that some of them voted at all, because 188 of them can not be found at all.

Mr. BABKA. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BABKA. Did the committee make any investigation to ascertain whether or not these 316 men were on the poll books two years ago?

Mr. LEHLBACH. They did not.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. TREADWAY. I understood the gentleman to say that the committee did not believe in disfranchising 16,000 legal voters in the district because there was corruption in three precincts. Is that correct?

Mr. LEHLBACH. That is correct.

Mr. TREADWAY. On what ground does the gentleman justify the disfranchising of these other precincts, where he admits there was no illegal voting?

Mr. LEHLBACH. Because there can be no reasonable result arrived at by any other human device in those cases than by throwing out such precincts as are permeated by fraud. From the case of Wayne against Jackson up to the present time that doctrine has obtained. It was not applied to that particular case because three counties were involved that composed a substantial proportion of the entire district, so that the remainder could not fairly be considered to have held a determining election for the whole district, and in one or two cases where an entire city or county was involved, or where the majority of an entire district was involved, Congress has not applied the doctrine. But in every other instance where the case was proved Congress has applied the doctrine to throw out those districts that are so permeated with fraud that no honest return can be predicated upon the result and so satisfactorily decide the election.

Mr. TREADWAY. Why does the gentleman limit it to the precinct? Why not carry it to the ward or to the district, if his argument is logical?

Mr. LEHLBACH. Because precincts 4 and 8 and 9 are the places where this fraud occurred, with the exception of a very few cases. That is where it was entirely confined. There is no evidence of any illegal registration in any ward except ward 5, and there is evidence in the case showing that there are only 18 cases in ward 5, outside of these three precincts, so that they are all confined to those three precincts which form a compact territory in the heart of the city of Boston.

Mr. TREADWAY. The gentleman does say that the committee thereby disfranchises two-thirds of the legal voters in those precincts. That is the conclusion, is it not?

Mr. LEHLBACH. The committee do not say that, because, as men judging evidence on the reasonableness of the case, they do not admit that the fraudulent voting was confined to the actual number of cases specifically proven.

Mr. EAGAN. Can the gentleman say whether there is personal registration in Massachusetts every year?

Mr. LEHLBACH. There is not.

Mr. EAGAN. What is the method?

Mr. LEHLBACH. The police come around on the 1st day of April.

The SPEAKER. The time of the gentleman has expired.

Mr. LEHLBACH. May I have three minutes more?

Mr. GOODALL. I yield to the gentleman three minutes.

Mr. GALLIVAN. Will the gentleman ask me that question?

Mr. LEHLBACH. I can not yield.

Concerning the remedy to be applied, the Second Congress and the Fourteenth Congress discussed this doctrine, not with any question of disavowing it but as to whether it was to be applied in those particular cases. This is the doctrine that has been applied throughout the entire history of contested congressional election cases. It is the only doctrine which after mature consideration has been found to work substantial justice. To throw this case back and allow a new election to be held would do an injustice to the great majority of the voters of the district, depriving them of representation for possibly a year or more and depriving the contestant of his undoubted right to the seat, because under the evidence there is no question that he received a clear plurality of the honest votes that were cast. If you allow a new election after the proof in this case, it will be like saying that after you catch a man cheating there shall be a new deal and that we will commence all over again. The rule that common sense dictates is that when you catch a man cheating you deprive him of that for which he cheated and let the result be as it will after the cheater has been deprived of that which he wrongfully gained. That is the theory that underlies this doctrine and that has the precedents of the House behind it.

But even if you should only throw out the votes actually proved fraudulent and deduct them pro rata, then Peter Tague is elected, anyhow. Whichever view you want to take of the case theoretically, if you follow the evidence as found by your committee, you have got to seat Peter Tague and unseat John F. Fitzgerald.

Mr. GALLIVAN. Mr. Speaker, I will use the balance of my time.

The SPEAKER. The gentleman has 10 minutes.

Mr. GALLIVAN. I would not bother the House with any further word, but for the wild expressions of the last speaker. You have heard now from two members of the committee, the

excitable gentleman from New Jersey [Mr. LEHLBACH] and the calm, judicial, fair-minded Republican from Massachusetts [Mr. LUCE].

I said a moment ago that the record of the testimony in this case is not worth the paper on which it is printed. It was taken before two notaries, both of them rotten partisans. Counsel on each side might enter objection after objection, only to be overruled, and the stuff in that book of testimony was the laughingstock of Boston. Yet the gentleman who preceded me [Mr. LEHLBACH] quoted from that book. He calls it evidence. We in Massachusetts know it to be junk, and while those hearings were on we stopped reading the funny papers. [Laughter.] If you want to read a story of the twentieth century Ananiases, bother yourself with that book and then burn it up. [Laughter.]

I do not like to say anything personal about anybody. I tried to get the last speaker [Mr. LEHLBACH] to yield to me. I find on looking up his election that he was elected to this House by only 587 votes, and on looking over the files I find that there were certain allegations made by his opponent the day after election. I find also that a Democrat from New Jersey, who signed the majority report, was elected by only 299 votes, and they both come from the same city, and I have been told for months that the two votes from that city would be against Fitzgerald. If you read the evidence before the committee, you will find that the counsel who appeared for the contestee never had a fair show from the gentleman who has just taken his seat. His statements were challenged, sometimes ridiculed, and partisanship was shown by the previous speaker in every question he asked. I hate to say that.

They say that it was too late for Mr. Tague, after appealing from the various boards, to file papers. Why, they do not know what they are talking about. Under the law in my State, if you want to be an independent candidate you have to give notice before the primary. Does any one dispute that fact?

They talk about a liquor dealer having to live in the neighborhood of his liquor store. That is mere junk. There is not the shadow of truth in it. My friend from New Jersey wanted to know if we had an annual registration in Massachusetts. We do not have such a thing, but we have an annual visitation from the police in our city on the 1st of April, and we respect the police in Boston [laughter]—when we have a police force. They go from door to door, and they ask, "Who of voting age is living here?" And the good housewife has to answer the man in blue and brass every year. If the same names appear as appeared on the voting list of the year before, the election commission, under the law of the State, carry the names along from year to year.

The gentleman from New Jersey got very, very much excited. I think to any fair-minded man he showed bias. You heard what the Republican member of this committee from Massachusetts [Mr. LUCE] had to say in a calm, decent, argumentative way. I am going to vote for the Luce proposition, which will declare the seat vacant and give the people of the city another chance. I am going to do that because you have convinced me that there is some doubt as to who won. [Laughter.] I do not know why the gentleman laughs. He knows more than I do about crooked political methods, and perhaps that is why he laughs.

My friend referred to something that he said Mr. GALLIVAN knew about as the "louse house" in Boston. I never heard of it until it came from his lips. I have heard that in Newark they have many "scratch houses," and I presume he is familiar with them. There are none such in my district. Thank God I represent a residential, law-abiding people, where we never have contests of this kind. But that does not close my mouth to the fact that there is an attempt to take the ballot away from a thousand of my fellow citizens, and, as I said in my opening words, I would be ashamed of myself if I kept quiet when that attempt is being made in this Congress.

Mr. Speaker, let me call the attention of the Republican Members of the House to this point: If conditions in this ward were so wrong, a few years ago DAVID I. WALSH was elected governor of Massachusetts over Samuel W. McCall by a margin of 11,815, in a total vote of over 450,000. The Republicans were in full control at the statehouse. They had all the power and prestige that went with the governorship of Massachusetts. This ward rolled up a bigger vote for DAVID I. WALSH against Samuel W. McCall than it did for John F. Fitzgerald against Peter F. Tague.

When Gov. WALSH was inaugurated the Republican power and prestige to which I have referred went out of doors at the statehouse without a whisper from the great Republican leaders of my State, who know how to take a licking. Do you intelligent gentlemen believe that if what has been said on this floor to-day about Martin Lomasney and this ward is true that the Republican leaders in my State would have quietly assented to the inauguration of Gov. WALSH and his continuation in office without a contest? Of course not. They knew conditions up home, and they know that the vote of this ward when polled is honestly polled. Gov. WALSH served his term without the slightest objection from these Republican leaders and made such an excellent record that he was reelected governor. A year ago this distinguished Democrat was a candidate for the United States Senate against one of the Republican leaders in that body, a most lovable man, Hon. John W. Weeks. His margin was apparently limited, and Mr. Lomasney's ward gave him a tremendous margin over Senator Weeks. Did Senator Weeks squeal? Not he. He took his licking like a man, although it was a great disappointment to him, and Senator WALSH to-day is the junior Senator from my State, and is making the excellent record for himself and for the Commonwealth that we all knew he would make. These brief references tell the story, and that ought to be convincing to you gentlemen that what has been said about this particular contest by those who favor the unseating of Mr. Fitzgerald are either false or grossly overstated.

I said a moment ago that I had no intention to inject myself into this discussion until I learned that it was the intention of the committee to disfranchise 1,000 of my fellow citizens. When the vote is taken to-night, no matter what the result, I shall be proud and happy that I have said in the House of Representatives what I have said, and I will not change a word or blot out a sentence.

Mr. OVERSTREET and Mr. PHELAN were given leave to extend their remarks in the RECORD.

Mr. GOODALL. Mr. Speaker, how does the time now stand?

The SPEAKER. The gentleman from Maine has 31 minutes and the gentleman from Georgia [Mr. OVERSTREET] has 28 minutes.

Mr. GOODALL. Mr. Speaker, I yield the remainder of my time to the contestant, the gentleman from Massachusetts, Mr. Tague.

Mr. TAGUE. Mr. Speaker and gentlemen of the House, I realize that I am here because the membership of this House has given me permission to present my case and because you seem to think that I have a case. I do not intend to deal in personalities of any kind. No matter what situation may arise, I am going to keep myself within bounds in this case, and I will address myself to the case just as it is set forth in the evidence which the preceding speaker [Mr. GALLIVAN] has recklessly declared is not worth the paper it is printed on. Let us bear in mind that this evidence produced by me was given under oath by every witness that came into court, and not one syllable of that evidence has ever been denied by the gentleman from Massachusetts [Mr. Fitzgerald]. Not one word of the evidence has been denied in any way, shape, or manner. Yet they come in here and ask you to disregard it. The gentleman from Massachusetts [Mr. GALLIVAN], responding to the lash of his boss, Mr. Lomasney, comes in here and speaks and acts as he has to-day because the leader orders that he must do it. The gentleman from Massachusetts [Mr. LUCE] urges the passage of his amendment; but let me remind you that if you pass this resolution you will be doing just what Mr. Lomasney wishes and playing right into his hands.

I want my friends to realize that the gentleman from Massachusetts [Mr. GALLIVAN] spoke the truth when he said that the contestee, Mr. Fitzgerald, does not live in this district that he wishes to represent. The evidence in this case given by Martin M. Lomasney states that he went out of the district to get Mr. Fitzgerald, because he could not find a man in the district who could defeat me. He went out to Mr. GALLIVAN's district and brought in this man whom he said was the most powerful factor in Boston politics. He brought him into the district to defeat me. Why? Because, as your colleague for four years, as a representative of my people for four years, I refused to answer the beck and call of Martin M. Lomasney. [Applause.]

It is only a short time ago when every Member of this House was called upon to act upon the question of war. There was not a man in this House who wanted to vote for war. There was not a man in the Nation who wanted to see war, but we all had to take our position on that question. The testimony shows that Mr. Lomasney demanded that when the President stood delivering his message to Congress, that I, as the representative of the people of Massachusetts, should insult the President of the United States, insult the people of Massachusetts, by interrupting the President and ask, "Mr. President, with all due respect to your exalted position, what is going to be the attitude of England toward Ireland?" This I refused to do. That is why I am being punished to-day by this man Lomasney, although I yield to no man in my desire to see Ireland a free independ-

ent nation. I was compelled to run on stickers; I was obliged to do this because of the manner in which the primary election was conducted. The report shows that with 14 votes still in question the gentleman from Massachusetts defeated me by 10 votes. Without my name on the ballot, when every man voting for me had to go in, take the ballot, wet the sticker, put it on the ballot at a particular place in order to vote for me; with the machine of Boston threatening every employee of the city and their friends, attempting to deny them the right to come in and cast their ballot, I was elected, my friends, by the people of that district by a greater vote than ever was given to a man in that district. And in the ward of this great Lomasney, this man who said, "Don't you dare to vote for war; don't you dare to vote for conscription; don't you dare in any way, shape, or manner to cast a vote that will help England to win," because he was so entangled with his pro-German proposition—that is all in the evidence. Every word of it is in the evidence, and everything I say to you is from evidence under oath.

Congress lays down the manner in which the evidence shall be taken. It says that there shall be 90 days to take the evidence and it regulates how it shall be taken before the notaries or a judge of the district. In 90 days we took the evidence, but we never could get the gentleman from Massachusetts [Mr. Fitzgerald] to come into court and give evidence. Notwithstanding that, Mr. Feeny, his lawyer, and Mr. Callahan, his other lawyer, promised us on several occasions that Mr. Fitzgerald would come into court. When the case started we tried to find the gentleman from Massachusetts [Mr. Fitzgerald], but he had gone to Palm Beach, and he never came back until our case was closed.

Mr. Fitzgerald is not a resident of the district, and when he talks of disfranchising people I want to know if it is not a greater disfranchisement of the rights of the people for one man to come into a district, where he has no moral right to go, and against the desires of the people, and claim the right to represent that district. I want to say to you that he had his opportunity to present his case in court. I stood for seven long days on the witness stand, with both of his lawyers hurling questions at me, and they never for one moment found one single bit of evidence that could be contradicted or show that I had been guilty of any wrongdoing in any way, shape, or manner.

The gentleman from Massachusetts [Mr. LUCE] in his report says that I benefited by Lomasney. Let me give you what Lomasney himself said as to whether or not I was benefited by his support. Four years ago we had a bitter contest for Congress and there were seven candidates. One of them was a former Member of this House, Hon. John A. Keliher. The contest narrowed down to two or three men. Lomasney had put a candidate named Brennan in my ward, and tried to defeat me in that district, but the people of the district showed that I was their choice. The Sunday afternoon before Tuesday, election day, Lomasney decided to support me because, as he says in his testimony:

> Not that I wanted Tague, but that I wanted to lick Keliher; I wanted to kill Keliher—not that I wanted Tague.

Did I benefit by it? Let us see. The present ward 5 in those days was wards 6, 7, and 8 of the city. The vote in 1914 in ward 5 as now constituted was—Tague, 1,618; Keliher, 1,572 votes. I carried that ward by 46 votes. Let us see what the vote was a year ago when this contest was on. Fitzgerald, 2,570; Tague, 572. Is there any evidence of colonization there? Was there any control of the ward there? Was anything there that would lead you to believe that this entire district of ward 5 was in the hands of this political boss and leader? The gentleman from Ohio [Mr. LONGWORTH] asks a question why so few votes were cast. The answer is plain. This is the greatest cosmopolitan district of the eastern part of this country. Almost every foreigner who lands in Boston takes up his residence in this district. There are over 200,000 people in the district, and yet there are only 26,000 who vote, because the great population are not naturalized. In this election we cast 21,000 of those votes, which is a big proportion when you figure that many thousand were absent engaged in the war.

The gentleman says that we have proven no fraud. I do not know how you are going to prove fraud if we have not proven it. Let me go into the case briefly, for my time is limited. At the closing hours of the last session many of you Members will remember that I came before the House and said that I was trying to take evidence in the contest which would come before this Congress, but that I was being defeated in my every effort, because the witnesses refused to come into the court, because the leader, Mr. Fitzgerald, had refused to go into the court, and the boss had undoubtedly said to them, "You must not go there." Now, let us see what took place in Boston last fall. I went home from here, as you all did, right previous to your primaries. Mr. Lomasney testifies that he had not seen me but once since April, when I went into his office in August. I asked Lomasney what his ward was going to do in the contest, and he said to me: "I want you to get out; the people don't want you any more; the people don't believe you have represented them by your votes on war and other things." I said, "Who have you got?" and he said, "I am going to run Fitzgerald, the ex-mayor of Boston, against you, and I want you to get out." I said, "What for?" He said, "We need a big man in Congress; we need a big man in Congress," and I said, "Can't you get one in the district?" He said, "No; I want a big man down there; I want him to go down there and come back and be mayor of Boston again." Then I said to him that I did not think I ought to retire, and he said, "Fitzgerald is a wealthy man; he will give you the two years' salary if you will retire, and we will have you appointed fire commissioner of the city of Boston for four years." I refused it. Then I met Mr. Fitzgerald in his hotel, the Quincy House. It was the first time that I had talked with him since he sat there in this House in July and told me that I was not going to have any contest.

I asked Mr. Fitzgerald why he was in the contest. He had sent for me and wanted to talk with me, and in company with Judge Sullivan, of my district, I went to see him. I asked him why he was a candidate, and he said, "Because Martin Lomasney wants me to be a candidate"; and then he, too, told me that the salary was nothing to him, that I could have the salary, and they would take care of me with a good job. I refused him, and I told him that I would go out and fight him, and I did. [Applause.]

The fight took place, and when the returns were coming in on election night—and the newspapers had said that I had been elected over Lomasney and Fitzgerald—Lomasney had cunningly kept out four of his precincts, right around the city hall, within a stone's throw of the building. Those precincts were held out, and while the papers were declaring that I had been elected by 92 votes, the returns showed that Lomasney had changed the tide by holding out the four precincts, and I was defeated by 100 votes. The next day I petitioned for a recount, and on the recount I asked that all of the ballots be seen, both the used and unused ballots, because I knew that the ballots had been tampered with. I asked, further, that the ballots be put on one table, so that I could see them; and six days after my petition the election commissioners called a recount, but instead of letting me see the ballots they spread them out over the room on tables where I could not see what was going on, and with all that against me they then declared that I had been defeated by 50 votes. But let us see. When counting up this ward 5, precinct 5, when the clerks counted the ballots they discovered 50 ballots missing. Where did they go to and who took them? We asked the commissioners to let us know, and to this minute those 50 ballots that would have elected me have never put in their appearance. In precinct 4, of ward 5—the same notorious precinct 4—the election commissioners sent down two ballot boxes, a registering box and an emergency box to be used in case of accident. The men counting the votes in that precinct took this emergency box, which is nothing but a slide box, where a man can put his hand into it, and from 6 o'clock in the morning until 10 o'clock that day, when the police officers went into the voting booth, they had been using that box, and at 10 o'clock the police officers stopped them from using it. They said they could not find the key to the box.

The police officer went out and telephoned headquarters, and in less than 10 minutes, when they returned, over 250 ballots had been taken out of the small box and rammed in the canceling machine box. The night of the close of the recount we asked the election commissioners if they would show us those 50 votes. They told us they would do so in the morning. They said we could see them in the morning. We went there in the morning and they adjourned and said we could see them in the afternoon. Tuesday afternoon we went again, and Wednesday morning and Wednesday afternoon we went again, and Thursday morning we went again, and they refused to let us see the ballots. Then, with my counsel, I went to the mayor and asked him to remove the election commissioners for malfeasance in office. The mayor sent for them and for the corporation counsel, and he advised them I was within my rights in asking to see the votes, and instructed him to let me see them. The next morning we were sent for, and we went there at 10 o'clock, and immediately upon entering the room the election commissioners were in executive session, and stayed there until 1 o'clock and refused to come out, and at 1 o'clock we went to the chief justice of the municipal court and asked for

an inquest for ward 5. I went, together with my attorneys, and Chief Justice Bolster told us that on account of the condition of the public health, with the influenza raging, he had had to adjourn the courts, but that he would take it up for action after the court had come into session again. The case was not called up and I appealed. But these gentlemen love to stand up here and tell you what great men some of these men are. The election commission chairman was appointed by the gentleman when he was mayor of the city of Boston. Election Commissioner Murphy traveled around in Fitzgerald's automobile before the primary betting a lot of money that Fitzgerald would be elected. I then petitioned the ballot law commission for a hearing, and the hearing was granted. I summoned over 100 men, and I paid the sergeant at arms for summoning them, and those men refused to come into court.

They refused to come into court until Mr. Cunningham said he was not pleased with the situation, and then Boss Lomasney marched at the head of 40 men into court. They came into court and we were not permitted to ask a single question, notwithstanding the fact that I had summoned them and paid them the summons fee. Let me illustrate to you the questions which were put to these men. Nobody knew who the man was. "Is your name Mr. John Jones?" "Yes." "Do you live at Hotel Lucern?" "Yes." "Did you vote on the 24th of September?" "Yes." Those are the questions they asked of men who were on trial to say whether they had the right to vote or not. When one man was called my attorney said: "I know this man is Joseph C. Walsh, an inspector in the city of Boston, and he lives at 5 Rockdale Park with his wife and five children, and still he is permitted to say that he lives down at the Merrill House, Cambridge Street." In that hearing 22 men testified that their names had been voted on and they never voted. I brought into court testimony from the War and Navy Department to show that the names of 17 boys serving their country under the colors were voted on, and that one of the boys whose name was voted had died in France even before the primaries, and yet his name was voted on. I would not stain my name or my reputation by taking a nomination that was won with the blood of boys who were fighting for their country. [Applause.] Now, Mr. Fitzgerald said Tague is talking about my boys; that I insulted his sons who served their country's cause. Do not believe it, my friends. I have never done so, and I have denied this charge on so many occasions I wonder his object in repeating it. But his reason for repeating it is this: They want to hide the sin they committed by voting on dead soldiers' names even as they voted on election day on another dead soldier's name.

You ask, my friends, how I know for whom they voted. Let me tell you. This Hendricks Club is presided over by Lomasney, who has control of that ward, not only the Democratic politics but the Republican politics. He controls the Republican committee as well as the Democratic committee. He names the precinct officers on the Republican side just as he does the Democratic officers, and the gentleman [Mr. LUCE] who wants this election thrown out was the recipient of the Republican votes of that ward when he ran for lieutenant-governor. Mr. Lomasney has a club, as I have said, called the Hendricks Club. The president of that club is James Friel, or he was up to the time of this contest, when they changed officers. The financial secretary then was, and is now, James Graham. Mr. Graham and Mr. Friel were in charge of this precinct 4 of ward 5 on primary day, and on that day the name of James Friel, jr., and James Graham, sons of the president and secretary of the Hendricks Club, were voted on in the precincts where their fathers had control. Whom did they vote for? You know. No man can go in there with a blackjack and gun and vote unless they say so.

SEVERAL MEMBERS. Where were the boys?

Mr. TAGUE. They were in France. The ballot law commissioners made us close our case on Friday. We presented to the ballot law commission 20 more witnesses that we pleaded with them to summon, and the commissioners told us they had lost the summonses. On Friday they closed the hearings, and we never got a decision from the ballot law commission until Tuesday afternoon before election at half past 2.

If that decision had come on Saturday, I could have gone to the courts of my State and I would have had the name of that man, Mr. Fitzgerald, thrown off the voting list. But it was then too late, and I was obliged to run on stickers, and I did run on stickers. I had to have stickers printed, and I had to have sample ballots printed. I had to go to considerable expense in order to win the cause for which I was fighting. Here is the sample ballot [exhibiting]. I had this printed and sent through my district, and here are the stickers. On election day we found that with cunning and astuteness they had caused to be printed a sticker without any mucilage on it [laughter], and those stickers were distributed around the district by his lieutenant in Boston, Representative O'Hern, who, by the way, was defeated for election because this charge was put against him.

We had our contest and the return said I was defeated by 350 votes. We had our recount, and in the recount I gained over 100 votes. But after the recount it was plain that I could not get a square show from the election commissioners, who were subservient to the will of Fitzgerald and Lomasney. One of these commissioners who testified before the ballot commission said to Lomasney after he had testified, "Did my testimony satisfy you, Mr. Lomasney?" [Laughter.]

I love to hear them tell about their great man. He is great to those who are great to him, but cross him and you are gone.

We had our election and our recount, and I had sufficient votes, notwithstanding they will tell you I had not, to be elected. It was not until 11 o'clock on the day of the recount that we found these irregularities, and then we challenged the votes that were being counted, but previous to that time over 500 votes had been passed on, and if these 500 ballots had been brought down here with the rest of the ballots and counted by your committee I would have won this election by over 200 votes.

We had our hearing before the notaries. The gentleman from Massachusetts [Mr. GALLIVAN], my former colleague, says it was a joke. Yes; it was a joke. It was a joke because we summoned 500 witnesses in that district; it was a joke because the summonses were served by the United States marshal, and I paid the United States marshal for serving the summonses; it was a joke because the witnesses were told not to come into court, and they ignored the law of Congress and said they would not come, and they did not come. But we went out and got the evidence. One gentleman says, "What evidence have you to prove that these 316 votes were illegal?" Let me tell you. The gentleman's—Mr. Fitzgerald's—own brother, a police officer in the city of Boston, was summoned to appear in court, and he did not come. We proved that he lived in the town of Winthrop, outside of Boston, with his wife and five children. We took Lomasney's lieutenant, Patrick J. McNulty, and we proved he lived outside the district, in Revere. We took the evidence of 400 of them, and that evidence is undenied; not a single case was denied, not one of them denied the evidence; and that is what you want to settle this case by—the evidence that has been presented under oath and undenied. We proved conclusively that over 500 men were illegal voters in those three precincts that they plead with you not to throw out. Who made them so? Who disfranchised them? The man whose name is challenged and who refuses to come into court when summoned surrenders his right before the court. These men surrendered theirs, and if there is any disfranchisement they are the ones who disfranchised themselves. During the hearings we had our witnesses. I wish I had time to go into all their testimony. Mr. Lomasney appeared. He came into the United States court, pulled off his coat and vest, and put on an old gray sweater and said, "Now, come on." And he defied everybody.

He abused everybody. He even abused the great leader of this House, JAMES R. MANN [applause], who had nothing to do with this contest. He even abused that good old champion of the people, our good Uncle JOE CANNON [applause], who had nothing to do with the contest. He abused former Congressman O'Connell, my attorney, and everybody whose name was mentioned, including the gentleman from Massachusetts [Mr. Fitzgerald], whom he said was "a slimy eel." [Laughter.]

That is the evidence Mr. Lomasney put into court. That is in the evidence, and to-day he pleads with you, this same Martin M. Lomasney pleads with you, to send the case back to the people, so that he can have one more fling at the people of the district. Are you going to debauch the people of that district by doing it? Are you going to say to the people of Boston that Mr. Lomasney is bigger than the Congress of the United States?

Oh, they tell us I received his support two years. I did not. There was not anybody a candidate against me. I never received his support until he had to give it to me. [Prolonged applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. FITZGERALD. Mr. Speaker, how much time is left?

The SPEAKER. The gentleman from Georgia has 28 minutes.

Mr. OVERSTREET. Mr. Speaker, I yield my time to the gentleman from Massachusetts, Mr. Fitzgerald.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. FITZGERALD. Mr. Speaker, if any part of what the gentleman who has just taken his seat, Mr. Tague, has said

is true, of course I ought not to be a Member of this House, and I would not attempt for a moment to take up the time of this House to argue my claim. But what he has said upon the floor of this House is what he has said during the past year in Boston, in Washington, and everywhere, and it is not true. He has abused and vilified everybody who has had any connection with this case—the election commission officials of Boston, the State ballot law commissioners of the Commonwealth of Massachusetts, the secretary of state, the governor of the Commonwealth, and the supervisors that were appointed by the governor to supervise the election. The crowning act, which will, of course, amuse the Members from Massachusetts, is that he now charges that Martin M. Lomasney delivered ward 5 for ROBERT LUCE for lieutenant governor.

It seems incredible that a man could repeat these lying charges when they are so well contradicted in the reports, and I am not going to attempt to follow him in all the mendacious statements he has uttered here, because time does not permit. If he mentioned the election commissioners once in his speech he mentioned them half a dozen times, and yet this is what a majority of the committee who report for his seating find:

It is but just to state that in its review of these ballots the committee found the work of the board of election commissioners of the city of Boston to be fair, impartial, and accurate, the difference in its determination and those of the committee being substantially due to the fact that the Boston commission was guided by an opinion of the Attorney General rendered 20 years ago.

And yet upon this floor within the past 20 minutes he has accused them of every conceivable crime in election annals. Yet you have just heard the evidence of the committee which favors his election. Mr. PHELAN, who has been an honored Member of this House for a good many years, a close friend of Mr. Tague, has told you that Mr. Cunningham, chairman of the ballot law commission, who has been appointed by Republican and Democratic governors for 20 years, is a man of spotless integrity and of the highest honor, and yet this man stands upon the floor and calls him a "crook" and wants you to believe it.

This so-called evidence, Mr. Speaker and friends, is Mr. Tague's own statements; that is all. There is not any evidence to substantiate any of the things that he has said on the floor of the House or in his brief. In his argument he made these same charges, all of which have been proved untrue, the gentleman from New Jersey [Mr. LEHLBACH] and everyone admitting it. He says that if the said election board had counted these hundreds of votes which are available in the exhibits and which have been marked, and which should have been counted for the contestant, that your contestant would have a majority of over 300 votes. He speaks of the flagrant refusal by election commission and ballot commission to comply with the law in determining questions arising from such fraud, and the fraud of ballot commission in withholding their decision. He says the election officials did not credit him with several hundred votes that were cast for him, and that illegal practices were indulged in throughout ward 5 in Boston, consisting of fraudulent registration, voting for the contestee, coercion, intimidation, bribery, and other irregularities. He says that fraud and intimidation were perpetrated upon the voter in distribution of pseudo pasters, whereby many voters were deprived of their right to register their proper choice for Congressman. And in no single instance, Mr. Speaker and gentlemen, is any one of these charges sustained by any of the committee, either the majority or the minority.

Mr. Speaker, you heard him talk about pasteless stickers. The committee say they did not find evidence of one pasteless sticker. Though they looked at the ballots with a microscope, not one pasteless sticker was found. Not in one case was there an illegal vote found that was cast for me. Not in one case was there an arrest made in that district that day, and they have not proven one case of illegal registration. If the chairman of the committee will say that they have, I will cease now and move that Mr. Tague be admitted unanimously to this House. There is not a single case, not a bit of evidence except his own testimony read from notes submitted to him by people whose evidence was merely hearsay.

Whatever the result of this contest shall be, I hope that the situation with reference to the taking of testimony will be corrected. The evidence was heard before notaries, and, as Mr. GALLIVAN says, Mr. Tague selected his notary and I selected my notary, and Mr. Tague's notary, having the first 40 days, shut out everything that could be used in my favor, and when my notary was appointed he did the same thing, and that is the evidence, and that is all the evidence.

There was not an arrest made; there was not a single case of illegal voting. There was not a man who has been found guilty of illegal registration; and, as Mr. LUCE has said, those names which are to be thrown off were on the list all the time that Mr. Tague was a Member of this body. I do not know where he gets the figures that he read here a moment ago about the vote in ward 5 when he was nominated for Congress, but I ask him in all seriousness if he means to say that he was nominated against Mr. Kelliher without the vote of ward 5? Is the gentleman here? Does he mean to say that he could have been nominated without the ward 5 vote? Where is he? I can not believe his figures. Here are the official figures: He was defeated by Mr. Kelliher by more than 100 votes until he came into ward 5, and it was the overwhelming vote given him in ward 5 that made his nomination over Mr. Kelliher possible.

Mr. TAGUE. I will answer the gentleman's question and say that in the primary contest the name of Martin M. Lomasney got into the contest; and if it had not been for that, I would have beaten Mr. Kelliher by a bigger vote.

Mr. FITZGERALD. I asked you, yes or no, whether you did not win your nomination by the vote of old ward 8, which is now part of ward 5?

Mr. TAGUE. No.

Mr. FITZGERALD. You were not nominated by old ward 8, now ward 5?

Mr. TAGUE. No.

Mr. FITZGERALD. Then I stop here. If the gentleman was not nominated by old ward 8, now ward 5, I will ask that he be admitted unanimously as a Member of the House. Mr. LUCE has just used these figures. They are the official figures of the election commission of Boston. What do you think of a man who will deny the official election figures of the State of Massachusetts? I will not use the ugly word, but I brand him as misrepresenting the vote in this ward and shows himself unfit to sit in this House. Mr. Tague, these figures are from the official election returns in Boston, and you know they are correct. You received 1,108 votes in ward 5 and Mr. Kelliher received 406 votes in ward 5, and without ward 5 you had 5,092 and Mr. Kelliher 5,168; and if it was not for the votes that were given by Mr. Lomasney to Mr. Tague he would never be in this House. He says my statements are false. I can not prove them other than give you my guaranty that the figures quoted above are official, but whether I am a Member of this House or not, I will see that the official figures of this contest are inserted in the CONGRESSIONAL RECORD and the Members will have the chance to see for themselves who is telling the truth.

The gentleman speaks about the illegal registration of voters. He talks about disfranchising a thousand legal voters in ward 5 because they are illegally registered; and what do you think of this situation which was shown to exist in his own home. He has fathered the system he condemns on this floor right in his own home. Here is the official record. Here is Mr. Tague's testimony, on page 447, in regard to Capt. Goggin, of the Boston fire department, in which he admitted that Goggin registered from his house. Asked whether Goggin was married or not, he said he did not know, although he had registered from there for five years. Then the question goes on: "Did he use the right of voting from your house?" He answered, "Never." Then he was asked, "Then, in the last four years he has not voted at all?" "No, sir." "Are you sure?" "Positively."

He states that Capt. Goggin never voted from his house, and yet the record of the Boston election commissioners shows that Goggin voted in 1914, 1915, 1916, and 1917 from 21 Monument Square, where no other family but Tague's lived, although at the same time Goggin had a family in Somerville—a wife and four children—with his wife's name in the telephone book. I ask the gentleman whether that statement is true or not?

Mr. TAGUE. Will the gentleman let me answer?

Mr. FITZGERALD. Yes.

Mr. TAGUE. Goggin appeared and testified under oath. He made this statement: "I did not take any part in either the primary or the election, and did not vote. I did not vote in 1917 or 1918." And the election commissioners' record shows that Goggin did not vote in either the primary election in this contest, or for two years. [Applause.]

Mr. FITZGERALD. I did not say that Goggin voted in 1918; but I repeat that Mr. Tague appeared and gave testimony—and, gentlemen, do not let him camouflage——

A MEMBER. Read it.

Mr. FITZGERALD. I am going to read it. He was asked in his testimony:

Did he use the right to vote from your house?
No.
So, in the last four years he had not voted at all?
No, sir.
Are you sure?
Positively.

And yet this man Goggin admits that he voted from Tague's house in 1914, 1915, 1916, and 1917. I did not say he voted in 1918. Tague would not let him, with this row on, but he did vote in these other years, though Mr. Tague denies it.

Martin Turnbull votes from his mother's house. Martin Turnbull lived in Somerville. His wife lived in Somerville, and his child lived in Somerville, yet he voted from Tague's mother's house. There, my friends, are two concrete instances in Tague's own household of illegal registration, yet he has the audacity to stand up here and charge fraud for the same thing done in ward 5. His counsel, Mr. O'Connell, admitted that while he lived in Brookline he was elected from Dorchester, and yet they have the effrontery to come before this House without any evidence excepting hearsay evidence and ask that a thousand men be thrown out of the list.

Mr. Speaker and gentlemen, the majority of the committee say I was elected but by 10 votes. They say that on prima facie evidence there are 316 illegal residents. Why disfranchise a thousand men of their birthright if I was elected by but 10 votes and you have prima facie evidence of 316 illegal registrations? Why not throw 11 of these illegal registrants off and I am defeated? Why, because there is no evidence but hearsay of 316 illegally registered votes. We are in a very serious contest in Massachusetts now, and I appeal to the Republican side of this House to give consideration to this thought, and I ask the Democratic side of the House as well. Mr. Long, the Democratic candidate, came within a few thousand votes last year of defeating the Republican candidate.

Senator WALSH, a Democrat, won last year and occupies a seat in the Senate with Senator LODGE. The State is as close as that. What is the condition of ward 5 voting list this year? Mr. Speaker and gentlemen, with this fierce contest on, with the house and senate in Massachusetts dominated by the Republican Party, the ward 5 voting list, according to the official count a week ago, shows 280 votes more than were on the list last year.

Is it possible that the Republican Party is so stupid that though it has full charge of the election machinery in Massachusetts, with the State practically 50-50, that it allows hundreds of fraudulent Democratic voters to remain on the list? Is Mr. DALLINGER, who is the chairman of one of the election committees of the House; is Mr. TREADWAY, is Mr. TINKHAM, is Mr. WALSH, of New Bedford, all these bright, brainy Republicans of Massachusetts, are they cognizant of the fact that there are hundreds of illegal Democratic votes on the list in ward 5, and they have not taken a single bit of interest to see that those votes are removed from the voting list this year? Why should this House disfranchise 1,000 men in Massachusetts when the committee did not go outside of its own door to consider the evidence? Do you think we are so bereft of fairness, do you think we are so careless of the rights of citizenship that in Massachusetts conditions such as have been described on this floor can get no proper relief under our laws? Shame on Boston and Massachusetts if that could be true. These names never were contested in Massachusetts from the hour that I received the nomination until the present hour.

He says he was cheated in the primaries. The primaries antedated the election by seven weeks. Mr. LUCE knows, Mr. TINKHAM knows, that the Boston board of election commissioners is open eight hours a day to receive complaints about illegal registrants. This man, though a year has elapsed, has never darkened the door of the election commission to present a bit of the evidence that he has presented here to-day, for if he did those men would be sent for. The law requires that they be sent for and appear, and if they do not prove that their names are entitled to go upon that list they are dropped off. This question rises away above the personality of Mr. Tague and myself. For the United States House of Representatives, out of a clear sky, without any evidence that a single illegal vote was cast for me, without any evidence that there was an illegal registrant, to deny to me an election is the greatest outrage that has been perpetrated upon the people of Massachusetts. It is an insult to their intelligence and an indictment of their institutions. He speaks about the soldier boys. Gentlemen, imagine it. My own boy in France at that hour, my three girls in the Red Cross, and he is dastardly enough to stand upon this floor and intimate that myself or my friends are responsible for voting on soldiers' names. There is not a single bit of evidence that the name of one absent soldier was voted on at this election, and he knows it; yet he stands before this House and uses falsely dead soldiers to win his fight. Shame upon such methods.

It is a fact that Mr. Tague, when he was defeated for the nomination, set on by big financial interests that were behind the Fish Trust which I fought, was told by them to go for this job, and they said, "Tague, we will seat you down at Washington," and Tague went after the job in that way. As I said before, he never has appealed to the election commissioners of Massachusetts, he has never appealed to the courts. Read the papers now about the Newberry contest with Mr. Ford, and you will find that out in Michigan the fraud is being investigated by the grand jury, and that is where this contest should be first fought out, but up to the present hour nobody in Massachusetts has been asked to investigate a single charge that has been made by this man. He says that I offered him the two years' salary. It is his own lying statement. He accused Lomasney of saying so. His own lying statement. As Mr. LUCE said to me the other day, there were not 20 pages in this whole testimony that would be admitted in any court. Ninety per cent is allegation by Mr. Tague without proof.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RHODES. What does the gentleman say about that?

Mr. FITZGERALD. Say about what?

Mr. RHODES. The gentleman says that Mr. Tague gave his word that you offered him the salary.

Mr. FITZGERALD. Why, of course, I say it is a pure invention, and on my honor I say that I never said it. There is not a single bit of evidence to prove this any more than the rest of his charges and you know it, Mr. RHODES.

Mr. RHODES. Why did not you go on the stand and deny it?

Mr. FITZGERALD. Why was I under the necessity of going and proving Mr. Tague's case? I challenge you, Mr. RHODES, to name one statement made by Mr. Tague that has been proved.

If I were to attempt to follow him, as his statements here to-day show, in mendacity, I would be kept at it all of the time. It seems impossible for him to talk two minutes without falsifying. Was not the gentleman himself present with other members of the committee when Mr. Tague, in the final summing up, asked that the committee settle this matter quickly, and turned to his counsel, Mr. Harrington, and said, "This counsel of mine has been down here at big expense to myself for the last six weeks, and I think the case ought to be settled"? Was not the gentleman from Missouri [Mr. RHODES] there at that time? I knew that Harrington was working for the Government, and when I got through with the hearing I called up the Treasury Department and asked them if Arthur Harrington was on the pay roll, and they said, yes; that he was on the pay roll down in the Internal Revenue Office at $1,800 a year with $240 bonus. Yet this man, in the presence of six members of the committee, turned to them and said, "This man is down here at big expense to myself." This is but another of the lies that he has told from the very hour he started after this seat.

Mr. Speaker and gentlemen of the committee, to indicate the character of this man, listen to this: He was a candidate for the mayoralty of Boston in December, 1917. Get his character from this incident. He was a Member of this House in December, 1917. His term did not expire until March 4, 1919. The sworn returns of his campaign expenditure when he ran for mayor of Boston show that he accepted, or his agent did for him—the treasurer of his campaign committee—$500 from the treasurer of the Pneumatic Tube Co., $500 from Mr. Buckley, the counsel for the Pneumatic Tube Co., and $200 from the vice president of the Pneumatic Tube Co., which in that very Congress, of which he was a Member, sought a franchise from this body.

Mr. GALLIVAN. How many votes did he get?

Mr. FITZGERALD. Can you imagine it? One thousand six hundred in all. In that campaign, when Mr. Gallivan, Mr. Curley, and Mr. Peters ran, Mr. Curley and Mr. Gallivan and Mr. Peters received from 25,000 to 45,000 votes, and this man in all Boston received but 1,600 votes. There is on file in the evidence copy of a letter which he does not deny, in which he expresses a wish to get in with some contractor on war work. Here is the letter to Mr. Lomasney, then his friend but who now gets his execration. And in passing let me say that I agree with Gov. McCall's estimate of the man, that he was the biggest man in brains in the Massachusetts constitutional convention.

(Peter F. Tague, tenth district, Massachusetts, Joseph F. Kane, secretary.)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1918.

Hon. MARTIN M. LOMASNEY,
11-A Green Street, Boston, Mass.

DEAR MARTIN: Last week I wrote you a note asking you to give me at once the name of the contractor who I could use on this building, which is about to begin. When I was in Boston, you told me that you would get the same and send it to me at once, and as the building of

all the cantonments and housing propositions are under way, and I have an opportunity of getting in on them, I would be pleased if you would give me this at once.

With best wishes, I am,
Very sincerely, yours,
"PETER."

Why, either one of these incidents brands him unfit to associate with the Members of this House, and if they were probed to the bottom he would never be given the privileges of this floor.

I appeal to you gentlemen, in conclusion, that you consider the fundamental rights of American citizens. It was in this very district that you intend to disfranchise that were born and cradled the liberties held dear by every American. Sam Adams was born in this district, John Hancock was born and lived in this district, Benjamin Franklin was born and lived in this district. Faneuil Hall is there. The old statehouse is there, and the old South Church, and its whole atmosphere for more than 100 years has spelled sacrifice for the very principles you are asked now to subvert. Do not do it. I was told more than once that the Republicans were going to frame me. I never believed it. I always felt with ROBERT LUCE as a member of that committee I would get justice, and I believe I will get justice. And I say to you, Mr. Tague, the question now at stake is the honor of that district. The honor of that district can not be properly protected by taking away a thousand of its voters, and I appeal to you as a man to protect the honor of the district which sent you to Congress for four years, to back up the Luce report and both of us appeal to the district, so then no injustice may be done.

Are you man enough to do it? I await your answer. [Loud applause.]

The SPEAKER. The time of the gentleman has expired; all time has expired. Under the rule of the House by unanimous consent it is agreed that the previous question should be considered as ordered on the resolution to be offered by the gentleman from Maine and substitutes by the gentleman from Georgia and the gentleman from Massachusetts [Mr. LUCE]. The Clerk will first report the resolution offered by the chairman of the committee.

The Clerk read as follows:

Resolved, That John F. Fitzgerald was not elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is not entitled to retain a seat herein.

2. That Peter F. Tague was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is entitled to a seat herein.

The SPEAKER. Does the gentleman from Georgia present a substitute?

Mr. OVERSTREET. Mr. Speaker, I desire to withdraw the substitute with the permission of the House.

The SPEAKER. The Clerk will read the substitute offered by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That neither Peter F. Tague nor John F. Fitzgerald was duly elected a Member of this House from the tenth congressional district of Massachusetts on the 5th day of November, 1918, and that the seat now occupied by the said John F. Fitzgerald be declared vacant.

Mr. GALLIVAN. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. May I ask whose motion that is?

The SPEAKER. It is a motion by the gentleman from Massachusetts [Mr. LUCE].

Mr. FITZGERALD. Mr. Speaker, may I ask the indulgence of the House to ask that the resolution be read again?

The SPEAKER. Without objection, the resolution will be again reported.

There was no objection.

The resolution was again reported.

Mr. FITZGERALD. As the gentleman from Georgia [Mr. OVERSTREET] is not to present the resolution declaring me to be entitled to a seat, I intend to support the resolution offered by the gentleman from Massachusetts [Mr. LUCE].

The SPEAKER. The gentleman can not debate. The question is on agreeing to the resolution offered by the gentleman from Massachusetts.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. FITZGERALD. Division, Mr. Speaker.

The SPEAKER proceeded to count.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Does not the gentleman wish to wait until the count is completed?

Mr. BLANTON. Since the Speaker has started. [Laughter.]

The question was taken; and there were—yeas 46, nays 167.

Mr. LUCE. Mr. Speaker, I ask for a verification of the vote by a call of the yeas and nays.

The SPEAKER. The gentleman from Massachusetts asks for the yeas and nays. Nineteen gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

So the substitute was rejected.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Maine.

Mr. ANDERSON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas seemed to have it——

Mr. ANDERSON. Mr. Speaker, I ask for a division of the question. [Cries of "Too late!"]

The SPEAKER. The Chair did not hear the gentleman.

Mr. ANDERSON. I was on the floor addressing the Speaker at the time the vote was taken.

The SPEAKER. The Chair will recognize the gentleman. The gentleman demands a division of the question. Of course, it clearly raises two separate questions, and the question is first on the first half of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That John F. Fitzgerald was not elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is not entitled to retain a seat herein.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will report the second section.

The Clerk read as follows:

Resolved, That Peter F. Tague was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is entitled to a seat herein.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GALLIVAN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

Mr. GALLIVAN. Mr. Speaker, I ask for the other side.

The SPEAKER. There is no other side.

So the resolution was agreed to.

SWEARING IN OF A MEMBER.

The SPEAKER. Does the gentleman from Massachusetts, Mr. TAGUE, wish to be sworn?

Mr. TAGUE appeared at the bar of the House and took the oath of office administered by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNING, for 10 days, on account of business.

To Mr. HUTCHINSON, for 10 days, on account of business.

To Mr. CULLEN (at the request of Mr. O'CONNELL), for 10 days, on account of illness.

PASSPORT REGULATIONS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9782, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 9782, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I understand from the title that this is the passport extension bill for the extension of the war passport provisions. The House the other day by an almost unanimous vote—I believe there was only one vote in opposition—passed the legislation. The other body has made it permanent rather than a one-year extension, and I sincerely hope that the conferees on the part of the House, if they are selected, will give due regard to the vote by which the bill was passed in the House, and that before we decide to make it permanent legislation the House will have a chance to vote on the matter.

Mr. RAKER. Further reserving the right to object——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection to the request?

Mr. RAKER. I would like to reserve the right to object for the purpose of asking a question. I think we would save time.

Mr. BLANTON. I insist on the regular order.

The SPEAKER. If the gentleman from Texas insists on the regular order——

Mr. RAKER. Under the present circumstances, if I can not get opportunity to ask the gentleman a question to-night, I will object.

The SPEAKER. Objection is heard.

Mr. BLANTON. I withdraw it, Mr. Speaker, to permit the gentleman to ask one question.

Mr. RAKER. I would like to know whether or not if we would send it to the committee that would expedite it, or had we better disagree to the amendment and let it go to the conference?

Mr. ROGERS. I think it would be better to let the bill go to conference. I will say to the House it is my own impression that we ought not to make the law permanent until the House has an opportunity to express its will and indicate what is its pleasure. And rather than to be bound by instructions at this time, I expect to bring this back to the House before I acquiesce in an amendment making it permanent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. ROGERS, Mr. TEMPLE, and Mr. FLOOD.

REPRINT OF BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 8954, the amendment to the pure-food act.

The SPEAKER. The gentleman asks unanimous consent for a reprint of the bill which he has cited. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO FILE MINORITY VIEWS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for five days to file minority views on the bill S. 2775.

The SPEAKER. The gentleman from California asks unanimous consent for five days in which to file minority views on the bill to which he has referred. Is there objection?

Mr. SINNOTT. Reserving the right to object, could not the gentleman get his report in to-night?

Mr. RAKER. I will state to the gentleman that if this matter comes up any time on Monday or Tuesday, I will be on hand.

Mr. SINNOTT. It will possibly come up sooner than that.

Mr. RAKER. If it does, the time granted to me will not affect in any way the bringing up of the bill.

Mr. SINNOTT. Not in any way jeopardize the consideration of the bill?

Mr. RAKER. Oh, no. My views on some amendments is all that I desire to present to the House.

Mr. HASTINGS. Mr. Speaker, it is late in the evening, and not many Members present, and a good many members of this committee are not present, so for the time being I object.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 2452. An act for the relief of Charles A. Carey;

H. R. 753. An act for the relief of Susie Currier; and

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place.

ADJOURNMENT.

Mr. GOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until Friday, October 24, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of Lieut. D. A. Neumann, Pay Corps, United States Naval Reserve Force (H. Doc. No. 270), was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (H. R. 3706) amending the Articles of War, reported the same without amendment, accompanied by a report (No. 406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 354) for the immediate consideration of Senate bill 2775, reported the same without amendment, accompanied by a report (No. 407), which said resolution and report were referred to the House Calendar.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, reported the same with amendments, accompanied by a report (No. 408), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULINGS (by request): A bill (H. R. 10130) to provide for the establishment of the Bureau of Production and Distribution in the Department of Agriculture to aid in the production of cattle, sheep, hogs, milk cows, and chickens, and for the preparation for market of same and the distribution of these products, together with all other food and food products; to the Committee on Agriculture.

Also, a bill (H. R. 10131) authorizing the Secretary of War to donate to the city of Sharon, county of Mercer, State of Pennsylvania, three German cannon or fieldpieces, to be placed in the public park and Grand Army of the Republic Cemetery as a soldiers' memorial; to the Committee on Military Affairs.

By Mr. BEE: A bill (H. R. 10132) adding $500,000 to allotment for post roads for the State of Texas to rebuild causeway between Nueces and San Patricio Counties, Tex.; to the Committee on Roads.

Also, a bill (H. R. 10133) authorizing the loan of $5,000,000 to the city of Corpus Christi and county of Nueces, in Texas, for the erection of a sea wall; to the Committee on Roads.

By Mr. HUDSPETH: A bill (H. R. 10134) to authorize the acquisition of a site and the erection thereon of a Federal building at Kerrville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL of Wisconsin: A bill (H. R. 10135) for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10136) authorizing the Secretary of War to donate to the village of Central Islip, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLACK: A bill (H. R. 10138) to amend an act approved March 21, 1918, known as "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," by adding thereto a new section to be known as section 11a; to the Committee on Interstate and Foreign Commerce.

By Mr. BEE: A bill (H. R. 10139) authorizing the Secretary of War to appoint a special board of engineers to make immediate examination and report of harbor facilities on the Texas coast; to the Committee on Rivers and Harbors.

By Mr. SUMMERS of Washington: A bill (H. R. 10140) authorizing the Secretary of War to donate to the Washington State College and the Ellensburg State Normal School captured German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 354) for the immediate consideration of Senate bill 2775; to the Committee of the Whole House.

By Mr. KAHN (by request): Joint resolution (H. J. Res. 239) to provide certain metal for the making of a national memorial carillon; to the Committee on Military Affairs.

By Mr. SLEMP (by request): Concurrent resolution (H. Con. Res. 34) favoring the election of Gen. Maximo B. Roselas to office of President of Honduras; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10141) granting a pension to John C. Kulpman; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10142) to provide for an honorable discharge from the United States Army of John Sponseller; to the Committee on Military Affairs.

Also, a bill (H. R. 10143) granting a pension to Maude C. Cooper; to the Committee on Pensions.

By Mr. ECHOLS: A bill (H. R. 10144) granting an increase of pension to Mary A. Johnston; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10145) granting a pension to Irving Bunce; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 10146) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10147) granting an increase of pension to Elizabeth A. Hinman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10148) granting an increase of pension to Cordelia D. Maynard; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10149) granting an increase of pension to Catherine E. Brinkmann; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 10150) granting a pension to Sarah A. Dow; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10151) making appropriation to compensate the Carolina Provision Co. for wood furnished the United States Government during the war; to the Committee on Claims.

Also, a bill (H. R. 10152) granting a pension to Cornelia Deal; to the Committee on Pensions.

Also, a bill (H. R. 10153) granting a pension to Lewis A. Boone; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10154) granting an increase of pension to James Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABKA: Petition of Local No. 51, American Federation of Railroad Workers, of Cleveland, Ohio, protesting against the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ELSTON: Petition of Metal Trades Council of Alameda and Contra Costa Counties, Calif., relative to the industrial strike in the shipbuilding and metal trades industry; to the Committee on the Judiciary.

By Mr. FESS: Petition of 10 citizens of Springfield, Ohio, protesting against mob violence; to the Committee on the Judiciary.

By Mr. KIESS: Papers to accompany House bill 9507, granting a pension to Charles I. Meck; to the Committee on Pensions.

By Mr. LINTHICUM: Petition of R. Walter Graham, of Baltimore, Md., favoring legislation which will give the railroads a square deal; to the Committee on Interstate and Foreign Commerce.

Also, petition of John H. Dockman & Son, per James M. Smith, of Baltimore, Md., favoring the passage of Senator CALDER'S bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States customs inspectors of the port of Baltimore, Md., favoring the passage of House bill 6577; to the Committee on Ways and Means.

By Mr. McGLENNON: Petition of J. P. O'Connor, secretary Michael Davitt Branch, Friends of Irish Freedom, relative to the Irish Republic; to the Committee on Foreign Affairs.

By Mr. MEAD: Petition of Plimpton-Cowan Co., of Buffalo, N. Y., protesting against the passage of the Steenerson bill, House bill 5123; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of Smith & Hemenway Co. (Inc.), of Irvington, N. J., favoring the passage of House bills 5011, 5012, and 7010, relating to patents; to the Committee on Patents.

By Mr. THOMPSON: Petition of sundry citizens of Ohio, asking consideration of the Cummins bill now before Congress, which takes away individual initiative, and asking that fair and wise treatment be given the railroad security holders in order to promote the development and prosperity of the United States; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *October 24, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask to have a number of telegrams printed in the RECORD. I should like to have the one I send to the desk read.

The PRESIDENT pro tempore. The Secretary will read, if there be no objection.

The Secretary read as follows:

GRAND RAPIDS, MICH., *October 22.*

Senator HITCHCOCK,
Washington, D. C.:

Resolved, That the National Council of Congregational Churches, now in session at Grand Rapids, Mich., voices its gratitude to Almighty God for the triumph of right over might and the return of peace. The council favors the ratification and adoption of the peace treaty and the covenant of the league of nations without amendments and with only such reservations as shall strengthen the moral influence of the United States. While not indifferent to imperfections, and anticipating adjustments under the test of actual operation, the council regards the league as substituting reliance on moral principles effectively organized for dependence on military policy subject to the balance of power. The council supports the covenant as the only political instrument now available by which the spirit of Jesus Christ may find wider scope in practical application to the affairs of nations. Through this covenant the conscience of mankind registers its determination to renounce aggressive warfare, and the United States assumes responsibility in promoting freedom and justice among the peoples of the earth.

Resolved, That a copy of these resolutions be sent by telegraph to the Committee on Foreign Relations of the United States Senate.

By order of the council. W. E. LOUGEE, *Secretary.*

Mr. HITCHCOCK. I also ask to have printed in the RECORD, without reading, resolutions unanimously adopted after full discussion in Chicago by the Baptist Ministers' Conference of Chicago and vicinity, in support of the league of nations.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

BAPTIST MINISTERS' CONFERENCE OF CHICAGO, ILL.,
Chicago, Ill., October 14, 1919.

The Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to inclose herewith and forward to you a resolution which was presented at and, after full discussion, unanimously adopted by the Baptist Ministers' Conference of Chicago and vicinity, in regular session, Monday, October 13, 1919.

Very respectfully, yours, C. T. HOLMAN,
Secretary.

Whereas the loss of millions of lives and the wastage of billions of treasure in the World War most impressively admonish us to provide against another such war; and

Whereas America's part in the late war has given our Nation a commanding position in world affairs and this influence should be used to help organize the nations against war; and

Whereas the covenant for a league of nations is part of the peace treaty, and if agreed to by the nations of the earth will make another great war almost an impossibility; and

Whereas this covenant for a league of nations is not a legal, but a high moral bond and is made in the spirit so native to Baptists, being a spiritual organization that will hold the nations together for common ends; and

Whereas the Northern Baptist Convention, under date of June 2, 1919, passed the following resolution:

"*Resolved*, That we express our gratitude to God for the return of peace; that we recognize in the Paris covenant for the league of nations a great step in the advance of Christian civilization; and that we urge our people to use their utmost influence to secure its ratification"; and

Whereas the following religious bodies have expressed themselves in much the same manner in favor of the proposed league of nations:

The Methodist Episcopal, July 4, 1919;

General Assembly of the Presbyterian Church in the United States of America, May 15, 1919;

The Board of Bishops of the United Brethren Church;

Sections of the Congregational body;

Many bishops and other religious leaders for their groups;

The Federal Council of the Churches of Christ in America, in the following plea at Cleveland, Ohio, May 6, 7, 8, 1919:

"That we express our gratitude for the establishment of the league of nations as agreed upon by the Paris peace conference, and pledge our support in securing its ratification by the Senate of the United States, and our devotion to make it a success": Therefore be it